

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : March 12, 2012

In re Application of :

Brian Hanechak

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12248998

Filed : 10-Oct-2008

Attorney Docket No : 05-004 DIV

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed March 12, 2012 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 3625 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)	
Application Number	12248998	
Filing Date	10-Oct-2008	
First Named Inventor	Brian Hanechak	
Art Unit	3625	
Examiner Name	YOGESH GARG	
Attorney Docket Number	05-004 DIV	
Title	PRODUCT DESIGN SYSTEM AND METHOD	
<p>An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.</p> <p>APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).</p> <p>A grantable petition requires the following items:</p> <p>(1) Petition fee; and</p> <p>(2) One of the following reasons:</p> <p>(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;</p> <p>(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or</p> <p>(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).</p>		
<p>Petition Fee</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY</p>		
Reason for withdrawal from issue		

- ☐ One or more claims are unpatentable
- ☒ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- ☐ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that:
- ☐ The RCE request, submission, and fee have already been filed in the above-identified application on
- ☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- ☐ A joint inventor; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Jessica Costa/
Name	Jessica Costa
Registration Number	41065



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**BUTZEL LONG
IP DOCKETING DEPT
350 SOUTH MAIN STREET
SUITE 300
ANN ARBOR MI 48104**

**MAILED
JAN 12 2011
OFFICE OF PETITIONS**

In re Application of
LAMBRIGHT, Michael
Application No. 12/249,002
Filed: October 10, 2008
Attorney Docket No. **121046-0006**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 28, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Christopher Mitchell on behalf of all attorneys of record who are associated with customer No. 35684. All attorneys/agents associated with the Customer Number 35684 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the inventor Michael Lambright at the address indicated below.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **MICHAEL LAMBRIGHT
3025 REGENT SQUARE COURT #2
GOSHEN IN 46526**



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KENING LI
PINSENT MASONS LLP
c/o FOUNTAIN LAW GROUP, INC
18201 Von Karman Avenue, Suite 960
Irvine CA 92612

MAILED

OCT 20 2010

In re Application of
Pan et al.
Application No. 12/249,024
Filed: October 10, 2008
Attorney Docket No. 636576-07018
For: IRON

OFFICE OF PETITIONS
ON PETITION

This decision is mailed in response to the petition, filed July 21, 2010, under 37 CFR 1.137(b) to revive the above-identified application.

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application was held abandoned for failure to timely reply to the Notice to File Missing Parts of Nonprovisional Application ("Notice"), mailed October 28, 2008, which required applicants to submit an executed oath/declaration, the basic filing fee, search fee, examination fee, and surcharge within two months from the mail date of the Notice. This period was extendable under 37 CFR 1.136(a).

On January 22, 2009, applicants filed an executed declaration and a \$130.00 one month extension of time. On February 4, 2009, the Office mailed a Notice of Incomplete Reply because the January 22, 2009 reply did not include the basic filing fee, search fee, examination fee, and surcharge. On March 26, 2009, applicants authorized the Office to charge \$1,220.00 to a credit card, this fee was to fully pay the basic filing fee, search fee, examination fee, and surcharge. On December 8, 2009, the Office mailed a Notice of Abandonment because applicants failed to timely file a reply to the October 28, 2008 Notice. The application became abandoned on January 29, 2009.


Petitioners have submitted a proper reply to the October 28, 2008 Notice in the form of the basic filing fee, search fee, examination fee, executed declaration, and surcharge, an acceptable statement of the unintentional nature of the delay in responding to the October 28, 2008 Notice, and the \$1,620.00 petition fee. Accordingly, the petition under 37 CFR 1.137(b) is granted.

Regarding fees, petitioners request refund of the \$130.00 one month of extension of time fee, paid on January 22, 2009 because the extension of time fee had no effect on keeping the instant application alive. The Office will not refund this fee because it was properly due when petitioners paid it. Petitioners filed a partial response to the October 28, 2008 Notice and a petition for a one month extension of time on January 22, 2009. The extension of time was due when it was submitted. It is unfortunate that petitioners did not file a complete response to the October 28, 2008 Notice by January 28, 2009. However, this does not change the fact that a one month extension of time fee was due when petitioners filed their partial response to the October 28, 2008 Notice. The \$130.00 one month extension of time fee paid on January 22, 2009 will not be refunded.

However, the \$662.00 partial payment of a three month extension of time fee charged to petitioners' deposit account on accounting date July 13, 2009 will be refunded to petitioners' deposit account. The Office attempted to collect a three month extension of time for the March 26, 2009 response on July 13, 2009. However, petitioners' deposit account had insufficient funds. Apparently the Office charged as much of the \$1,110.00 three month extension of time fee as the balance of the deposit account would allow. The \$662.00 partial payment of a three month extension of time fee will be refunded to petitioners' deposit account.

After the mailing of this decision, the file will be returned to the Office of Patent Application Processing for further pre-examination processing.

Telephone inquiries may be directed to the undersigned at (571) 272-3230.


Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions



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THE DOW CHEMICAL COMPANY / DOBRUSIN & THENNISCH PC
29 W. LAWRENCE STREET, SUITE 210
PONTIAC, MI 48342

MAILED

NOV 22 2011

In re Application of :
Huide D. Zhu et al :
Application No. 12/249,030 : **OFFICE OF PETITIONS**
Filed: October 10, 2008 : **DECISION ON PETITION**
Attorney Docket No. 66132A-US-NP (1062- :
158) :

This is a decision on the petition, filed November 8, 2011 under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the final Office action mailed March 17, 2011, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on October 3, 2011.

Petitioner asserts that the Office action dated March 17, 2011 was not received.

A review of the written record indicates an irregularity in the mailing of the Office action of March 17, 2011. In this regard, the Office received a change of address on March 16, 2011, prior to the mailing of the Office action of March 17, 2011. Office records were not updated to reflect this new change of address. Accordingly, as the Office action was mailed to an incorrect address, the Notice of Abandonment mailed October 3, 2011 is hereby vacated and the holding of abandonment withdrawn.

This application is being referred to the Technology Center technical support staff of Art Unit 1746 for remailing the Office action of March 17, 2011 and resetting the period for reply.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions



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K.P. CORRELL AND ASSOCIATES, L.L.P.
270 BELLEVUE AVE., #326
NEWPORT RI 02840

MAILED
AUG 29 2011
OFFICE OF PETITIONS

In re Application of :
Jeffery Commeau :
Application No. 12/249,136 : **DECISION ON PETITION**
Filed: October 10, 2008 :
Attorney Docket No. COMM0001U1US :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 12, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before June 7, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed March 7, 2011. Accordingly, the date of abandonment of this application is June 8, 2011. The Notice of Abandonment was mailed June 22, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$755 and the publication fee of \$300, (2) the petition fee of \$810; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Office of Data Management for processing into a patent.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/249,171	10/10/2008	Jason Simione	9005-P0002	1213

23334	7590	03/30/2011
FLEIT GIBBONS GUTMAN BONGINI & BIANCO P.L.		
ONE BOCA COMMERCE CENTER		
551 NORTHWEST 77TH STREET, SUITE 111		
BOCA RATON, FL 33487		

EXAMINER	
ANDERSON, AMBER R	

ART UNIT	PAPER NUMBER
3765	

NOTIFICATION DATE	DELIVERY MODE
03/30/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptoboca@fggbb.com



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FLEIT GIBBONS GUTMAN BONGINI & BIANCO P.L.
One Boca Commerce Center
551 Northwest 77th Street, Suite 111
Boca Raton, FL 33487

Art Unit 3765

In re Application of: :
Jason SIMIONE et al. :
Serial No. 12/249,171 : DECISION ON PETITION
Filed: October 10, 2008 :
For: Camouflage Pattern Applied to a Surface :

This is a decision to petitioner's request to permit color photographs filed October 14, 2008.

Under 37 CFR 1.84(a)(2), the petitioner must file (i) the fee set forth in 37 CFR 1.17(h), (ii) three (3) sets of color photographs and (iii) an amendment to the specification, if necessary. Petitioner has satisfied all of the requirements of (i) through (iii) above.

The use of color photographs is provided in MPEP 608.02 with reference to color drawings as part of 37 CFR 1.84(a)(2), the rule states "on rare occasions, color drawings may be necessary as the **only** practical medium by which to disclose the subject matter to be sought to be patented in a utility ...application."

The Office believes that color photographs are not the only medium by which the subject matter to be patented can be disclosed. It appears that black and white drawings would be sufficient to show the overlaying of different shapes and colors as defined in the specification and as clearly shown in Fig. 1-4.

The petition is denied.

/Gary L. Welch/

Gary L. Welch
Supervisory Patent Examiner
Art Unit 3765
(571) 272-4996
(571) 273-4996 fax



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YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria VA 22314

MAILED
JAN 18 2012
OFFICE OF PETITIONS

In re Application of :
Stephane Jayet and Olivier Chamley : DECISION REFUSING STATUS
Application No. 12/249,181 : UNDER 37 CFR 1.47(a)
Filed: October 10, 2008 :
Attorney Dkt. 0579-1200 :
For: METHOD FOR SECURELY :
UPDATING AN AUTORUN PROGRAM :
AND PORTABLE ELECTRONIC ENTITY :
EXECUTING IT :

This is in response to the petition under 37 CFR 1.47(a), filed April 3, 2009.

The petition is **GRANTED**.

Petitioner has shown that the non-signing inventor Jayet have refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Deposit account no 25-0120 will be charged the \$200.00 petition fee.

This application is being referred to art unit 3621 processing for processing in the normal course of business.

Telephone inquiries should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Attorney Advisor
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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Stephane-Jayet
12, rue Gerald de Nerval
69330 Meyzieu
France

MAILED
JAN 18 2012
OFFICE OF PETITIONS

In re Application of
Stephane Jayet and Olivier Chamley
Application No. 12/249,181
Filed: October 10, 2008
Attorney Dkt. 0579-1200

For: METHOD FOR SECURELY UPDATING AN AUTORUN PROGRAM AND PORTABLE
ELECTRONIC ENTITY EXECUTING IT

Dear Sir:

You are named as a joint inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3215. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Charlema Grant
Petitions Attorney
Office of Petitions

Cc: YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria VA 22314



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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

MAILED

OCT 06 2010

In re Patent No. 7,770,554	:	OFFICE OF PETITIONS
Issued: August 10, 2010	:	
Application No. 12/249,223	:	ON PETITION
Filed: October 10, 2008	:	
Attorney Docket No. AMK-249-509	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See **DH Technology v. Synergystex International, Inc.** 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

Joan Olszewski
Petitions Examiner
Office of Petitions



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/249,238	10/10/2008	Mark P. Wentland	0094.045E	1338

23405	7590	09/17/2010
HESLIN ROTHENBERG FARLEY & MESITI PC		
5 COLUMBIA CIRCLE		
ALBANY, NY 12203		

EXAMINER	
DESAI, RITA J	

ART UNIT	PAPER NUMBER
1625	

MAIL DATE	DELIVERY MODE
09/17/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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SEP 17 2010

HESLIN ROTHENBERG FARLEY & MESITI PC
5 COLUMBIA CIRCLE
ALBANY NY 12203

In re Application of: :
Mark P. Wentland :
Serial No.: 12/249,238 : PETITION DECISION
Filed: October 10, 2008 :
Attorney Docket No.: 0094.045E :

This is in response to the petition under 37 CFR § 1.181, filed April 12, 2010, requesting that the finality of the Office action of December 10, 2009 be withdrawn. The delay in responding to this petition is regretted but it has only just come to the attention of the Deciding Official.

BACKGROUND

The examiner mailed a restriction requirement on April 20, 2009 wherein the original 33 claims were divided into two groups.

On May 19, 2009, applicant elected Group I.

On July 9, 2009, the examiner mailed a non-final Office action setting a three month statutory limit for reply. At the time of this non-final Office action, claims 1-36 were pending. The examiner rejected claims 1-15 and 34 and withdrew claims 16-33, 35 and 36 from consideration. The examiner rejected claims 1-9, 14 and 15 under 35 USC 112, first paragraph, as non-enabling. Claims 1-15 and 34 were rejected under 35 USC 103 (a) as being unpatentable over Dondio Giulio et al. Claims 1-15 were also rejected under 35 USC 103 (a) as being unpatentable over Hussain in view of Dondio Giulio et al.

In reply to the non-final Office action of July 9, 2009, applicant filed a response on October 8, 2009. The response submitted by applicants included remarks and arguments traversing the rejections made in the non-final Office action.

On December 10, 2009, the examiner mailed a final Office action setting a three month statutory limit for reply. At the time of this final Office action, 1-36 were pending. The examiner rejected claims 1-13 and 15 and withdrew claims 16-33, 35 and 36 from consideration. The examiner indicated claims 14 and 34 as allowed. The examiner also indicated that the restriction has been made final, that the 35 USC 112 rejection still stands, and the rejection under 35 USC 103 over Dondio still stands. The examiner indicated the 35 USC 103 over Hussain US 4,464,378 in view of Dandio as been withdrawn. The examiner concluded by saying claims 15 and 34 may be allowable, claims 14 and 34 may be allowable, and claims 1-13 and 15 are rejected.

On March 16, 2010, applicant filed an amendment after final.

On April 5, 2010, the examiner entered the after final amendment for purposes of appeal and indicated the 35 USC 112 rejection was overcome.

In response thereto, applicant filed a petition on April 12, 2010, requesting that the finality of the Office action of December 10, 2009 be withdrawn.

DISCUSSION

The petition and the file history have been carefully considered.

In the petition filed by applicants on April 12, 2010, applicants request reconsideration of the final Office action mailed by the examiner on December 10, 2009. Specifically, applicant argues that "Applicants request that the finality of the office action be withdrawn. This is necessary given the new grounds of rejection, lack of clarity and obvious errors in the office action. The withdrawal of finality is necessary for the following reasons:

1. Claim 34 is rejected for the first time in the Advisory Action;
2. Claims 14 and 15 are indicated as allowable in the Final Action, yet were rejected in the Advisory Action;
3. The treatment of rejected claims 1-13 is not clear from the Final Office Action; and
4. The treatment and status of claims 14 and 15 is not clear in the Final Office Action."

Applicant also notes "it is simply not clear from the Final Office Action or Advisory Action if Claims 15 and 34 are rejected and, if so, why. Withdrawal of the finality and a complete statement of rejection is respectfully requested."

Applicant's arguments are well-taken and found persuasive because the final Office action of December 10, 2009 and the Advisory Action of April 5, 2010 are confusing and without clarity.

In view of the evidence, the final Office action issued December 10, 2009 is in error. Consequently, the finality of the Office action will be withdrawn in favor of applicant.

DECISION

The petition is **GRANTED**.

The Office action mailed December 10, 2009 is hereby vacated to the extent that it was made "final" and the Office action is now considered to be a non-final Office action. The after final amendment of March 16, 2010 will also be entered. This application will be returned to the examiner for issuance of a clear and accurate Office action. The Appeal Brief will be held in abeyance.

Should there be any questions about this decision please contact Marianne C. Seidel, by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.



Remy Yucel
Director, Technology Center 1600

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No: 12/249,243 Filing date: 10/10/08

First Named Inventor: Martin Neal Adams

Title of the Invention: VALVE LOADER METHOD, SYSTEM, AND APPARATUS

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBC/efs_help.html](http://www.uspto.gov/EBC/efs_help.html)

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2008/079650

The international filing date of the corresponding PCT application(s) is/are: 10/10/08

I. List of Required Documents:

a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)



Is attached



Is not attached because the document is already in the U.S. application.

b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).



Is attached.



Is not attached because the document is already in the U.S. application.

c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM
BETWEEN THE EPO AND THE USPTO**

(continued)

Application No.: 12/249,243

First Named Inventor: Martin Neal Adams

- d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.

☐

Is attached

☒

Has already been filed in the above-identified U.S. application on 05/01/10

- (2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐

Are attached.

☒

Have already been filed in the above-identified U.S. application on 05/01/10

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
18	1	Same or similar scope
19	2	Same or similar scope
20	3	Same or similar scope
21	4	Same or similar scope
22	5	Same or similar scope
23	6	Same or similar scope
24	7	Same or similar scope
25	8	Same or similar scope
26	9	Same or similar scope
27	10	Same or similar scope
28	11	Same or similar scope
29	12	Same or similar scope
30	13	Same or similar scope
31	14	Same or similar scope
32	15	Same or similar scope
33	16	Same or similar scope
34	17	Same or similar scope
35	18	Same or similar scope

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	Date 1/13/2011
Name (Print/Typed) Thomas Y. Yee	Registration Number 57,013

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

EXHIBIT A

INTERNATIONAL PRELIMINARY REPORT OF PATENTABILITY (IPER)

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

KNOBBE, MARTENS, OLSON & BEAR, LLP
2040 Main Street, 14th Floor
Irvine, CA 92614
ETATS-UNIS D'AMERIQUE

PCT

NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(PCT Rule 71.1)

Date of mailing
(day/month/year)

23.12.2009

Applicant's or agent's file reference
SPIRTN.044VPC

IMPORTANT NOTIFICATION

International application No.
PCT/US2008/079650

International filing date (day/month/year)
10.10.2008

Priority date (day/month/year)
12.10.2007

Applicant
Spiration Inc.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary report on patentability and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the international
preliminary examining authority:



European Patent Office Gitschiner Str. 103
D-10958 Berlin
Tel. +49 30 25901 - 0
Fax: +49 30 25901 - 840

Authorized Officer

Geier, Adolf

Tel. +49 30 25901-706



RECEIVED
NEWARK, NJ
DEC 29 2009

KNOBBE, MARTENS
OLSON & BEAR, LLP



PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference SPIRTN.044VPC		FOR FURTHER ACTION	See Form PCT/PEA/416
International application No. PCT/US2008/079650	International filing date (day/month/year) 10.10.2008	Priority date (day/month/year) 12.10.2007	
International Patent Classification (IPC) or national classification and IPC INV. A61F2/84			
Applicant Spiration Inc.			
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> sent to the applicant and to the International Bureau a total of <u>33</u> sheets, as follows:</p> <p style="margin-left: 40px;"><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p style="margin-left: 40px;"><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>			
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>			
Date of submission of the demand 2009-08-12		Date of completion of this report 23.12.2009	
Name and mailing address of the international preliminary examining authority:  European Patent Office Gitschiner Str. 103 D-10968 Berlin Tel. +49 30 25901 - 0 Fax: +49 30 25901 - 840		Authorized officer Amaro, Henrique Telephone No. +49 30 25901-562 	

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/US2008/079650

Box No. I Basis of the report

1. With regard to the **language**, this report is based on
- ☒ the international application in the language in which it was filed
 - ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of:
 - ☐ international search (under Rules 12.3(a) and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4(a))
 - ☐ international preliminary examination (under Rules 55.2(a) and/or 55.3(a))
2. With regard to the **elements*** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

Description, Pages

1-30 received on 12.08.2009 with letter of 11.08.2009

Claims, Numbers

1-20 received on 12.08.2009 with letter of 11.08.2009

Drawings, Sheets

1/25-25/25 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):
5. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 70.2 (e)).
6. ☐ Supplementary international search report(s) from Authority(ies) have been received and taken into account in drawing up this report (Rule 45bis.8(b) and (c)).

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/US2008/079650

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	<u>1-20</u>
	No: Claims	
Inventive step (IS)	Yes: Claims	<u>1-20</u>
	No: Claims	
Industrial applicability (IA)	Yes: Claims	<u>1-20</u>
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

**INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY
(SEPARATE SHEET)**

International application No.

PCT/US2008/079650

Re Item V.

Reference is made to the following document:

- D1: WO 03/034946 A (SCIMED LIFE SYSTEMS INC [US]; STINSON JONATHAN S [US]) 1 May 2003 (2003-05-01)
- D2: WO 99/59503 A (AMERICAN MED SYST [US]; STAEHLE BRADFORD G [US]; FERRAZZO ANTHONY J [U]) 25 November 1999 (1999-11-25)
- D3: US-A-5 676 671 (INOUE KANJI [JP]) 14 October 1997 (1997-10-14)
- D4: US 2003/225445 A1 (DERUS PATRICIA M [US] ET AL) 4 December 2003 (2003-12-04)

1. In the light of the documents cited in the search report, it seems that the subject-matter of independent claim 1 meets the criteria mentioned in Article 33(1) PCT, i.e. it appears to be novel, involve an inventive step and to be industrially applicable. The reasons are the following:

None of the prior art loading systems disclosed in D1-D4 comprise a valve loader comprising two open cavities; one configured to receive an interchangeable medical device cartridge and a second configured to receive the deployment apparatus. The systems disclosed in D1,D2 comprise no valve loader; the cartridge is directly attached to the deployment apparatus. In D3, the technical feature identified as "cartridge 6" and the "funnel 18" correspond, respectively to the valve loader and the cartridge of the present application; the valve loader (6) disclosed in D3 does not comprise a second open cavity; one can also recognize that the system used in the present application is more user friendly to the practitioner. in the device disclosed in D4, "cartridge 30" could be the valve loader 106 of the present application; no extra separate cartridge is provided. With relation to the previous the described loading system is therefore new.

None of the previous loading systems are so flexible (multiple cartridges can be used with a single valve loader and easily loaded into the deployment catheter) or easy to use as the one disclosed. This technical advantage is provided by the two separate cavities of the valve loader and the use of a separate cartridge; the prior art systems are so different that it would be impossible for the person skilled in the art to arrive to the proposed system; the subject matter of claim 1 is therefore also inventive.

**INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY
(SEPARATE SHEET)**

International application No.

PCT/US2008/079650

2. Assuming that the "first open cavity of a valve loader" is "the first open cavity of the valve loader as defined in claim 1", in the light of the documents cited in the search report, independent claim 10 also seems to be new and inventive.

EXHIBIT B

A COPY OF ALL PENDING CLAIMS WHICH WERE
INDICATED AS HAVING NOVELTY, INVENTIVE
STEP, AND INDUSTRIAL APPLICABILITY IN THE
CORRESPONDING PCT APPLICATION

medical device 500. The position of the valve or medical device 500 is stabilized at the target location during deployment with the stabilization wire 722.

[0132] In certain embodiments, after the valve or medical device 500 has been deployed, the deployment catheter 102 can be retrieved from the body of the patient, and be reloaded with another valve or medical device 500 using the foregoing process. With the foregoing process, the deployment catheter 102 can be reloaded with different valves or medical devices 500 having different shapes, sizes, and/or types. The foregoing process also allows the valve or medical device 500 to remain in a default configuration, as opposed to a substantially compressed or stressed configuration, thereby reducing the possible failure, wear, and/or deterioration of the valve or medical device 500. In other words, the cartridge 104 stores the valve or medical device 500 in a non-compressed state, which reduces wear and tear on the medical device 500 and reduces the likelihood of an adverse clinical event relating to the materials or structure of the medical device 500.

[0133] Although this invention has been disclosed in the context of certain embodiments and examples, it will be understood by those skilled in the art that the present invention extends beyond the specifically disclosed embodiments to other alternative embodiments and/or uses of the invention and obvious modifications and equivalents thereof. In addition, while several variations of the invention have been shown and described in detail, other modifications, which are within the scope of this invention, will be readily apparent to those of skill in the art based upon this disclosure. It is also contemplated that various combinations or sub-combinations of the specific features and aspects of the embodiments may be made and still fall within the scope of the invention. It should be understood that various features and aspects of the disclosed embodiments can be combined with, or substituted for, one another in order to form varying modes or embodiments of the disclosed invention. Thus, it is intended that the scope of the present invention herein disclosed should not be limited by the particular disclosed embodiments described above.

WHAT IS CLAIMED IS:

1. A loading system comprising a valve loader (106), a deployment apparatus (102) and a cartridge (104) configured to house a deployable medical device, the valve loader comprising an outer housing structure (202) and a first open cavity (214), the first open cavity configured the cartridge and the housing structure comprising a loading

plunger (220) configured to direct the deployable medical device from the cartridge to a discharge end of the housing structure, the discharge end having a second cavity (218) configured to receive a deployment apparatus into which the deployable medical device may be loaded.

2. The loading system of Claim 1, wherein the second cavity comprises a funnel-shaped channel positioned between the first open cavity (214) and the discharge end, the funnel-shaped channel configured to permit the passage of the deployable medical device therethrough when the plunger directs the deployable medical device from the cartridge to the discharge end for loading into a deployment apparatus.

3. The loading system of any of Claims 1-2, wherein the plunger is configured to engage the deployable medical device housed within the cartridge.

4. The loading system of any of Claims 1-3, wherein the housing structure further comprises a clamp (228A, 228B) configured to secure the deployment apparatus to the housing structure when loading the deployable medical device into the deployment apparatus.

5. The loading system of any of Claims 1-4, wherein the housing structure further comprises a lock (326, 314) to prevent undesired release of the deployment apparatus prior to correct loading of the deployable medical device into the deployment apparatus.

6. The loading system of any of Claims 1-5, wherein the cartridge comprises a stop (431) to signal the user that the actuator has traveled to the correct position for completely loading the deployable medical device into the deployment apparatus.

7. The loading system of any of Claims 1-6, wherein the cartridge comprises a means for providing an audible sound to signal the user that the actuator has traveled to the correct position for completely loading the deployable medical device into the deployment apparatus.

8. The loading system of any of Claims 4-7, wherein the housing structure further comprises a means for providing an audible sound to signal the user that the deployment apparatus has been locked into the housing clamp and that loading may commence.

9. The loading system of any of Claims 1-8, wherein the housing structure further comprises a safety apparatus (222) to protect the actuator from being damaged by

improper installation or removal of the at least one interchangeable medical device cartridge within the cavity.

10. An interchangeable medical device cartridge (104) comprising an enclosure for interchangeable use in the first open cavity of a valve loader of a loading system, the enclosure configured to house a deployable medical device that may be directed by the loading system into a deployment apparatus (102).

11. The interchangeable medical device cartridge of Claim 10, further comprising within the enclosure a tapered lumen (412) for compressing the deployable medical device prior to loading into the deployment apparatus.

12. The interchangeable medical device cartridge of Claim 11, wherein the tapered lumen comprises a proximal end having a larger diameter than the distal end.

13. The interchangeable medical device cartridge of Claim 11, wherein the tapered lumen is more tapered at a distal end than at a proximal end.

14. The interchangeable medical device cartridge of any of Claims 10-13, further comprising at least one release tab (434) that is integrally formed with the enclosure, the at least one release tab configured to lock the interchangeable medical device cartridge within the valve loader.

15. The interchangeable medical device cartridge of any of Claims 10-14, wherein the enclosure comprises a mating shape corresponding to a cavity (214) within the valve loader, the mating shape configured to allow the interchangeable medical device cartridge to be inserted into the cavity in one direction.

16. The interchangeable medical device cartridge of any of Claims 10-15, wherein the enclosure comprises a recess 440 configured to receive a locking mechanism 222 for retaining the interchangeable medical device cartridge in the valve loader.

17. The interchangeable medical device cartridge of any of Claims 10-16, further comprising the deployable medical device 500 within the enclosure.

18. The interchangeable medical device cartridge of Claim 17, wherein the deployable medical device is a lung volume reduction device.

19. The loading system of any of Claims 1-9, further comprising the at least one interchangeable medical device cartridge of any of Claims 10-18.

20. A method of loading a deployable medical device into a deployment apparatus, the method comprising inserting an interchangeable medical device cartridge of any of Claims 10-18 into a loading system of any of Claims 1-9, and activating an

actuator within the loading system to direct a medical device within the interchangeable medical device cartridge through said loading system and into the deployment apparatus.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/249,243	10/10/2008	Martin Neal Adams	SPIRTN.044A	1345

20995	7590	01/18/2011
KNOBBE MARTENS OLSON & BEAR LLP		
2040 MAIN STREET		
FOURTEENTH FLOOR		
IRVINE, CA 92614		

EXAMINER	
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ART UNIT	PAPER NUMBER
3767	

NOTIFICATION DATE	DELIVERY MODE
01/18/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com
efiling@kmob.com
eOAPilot@kmob.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

In re Application of	:	
ADAMS, MARTIN NEAL et al	:	DECISION ON REQUEST TO
Application No. 12/249,243	:	PARTICIPATE IN PATENT
Filed: Oct. 10, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No SPIRTN.044A	:	PILOT PROGRAM AND PETITION
For: VALVE LOADER METHOD, SYSTEM	:	TO MAKE SPECIAL UNDER
AND APPARATUS	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed Jan. 13, 2011 to make the above-identified application special.

The request and petition are Granted.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the JPO, EPO, KIPO or USPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

All other inquiries concerning the examination or status of the application should be directed to Kevin Sirmons, the SPE of Art Unit 3767 and (571)272-4965 for Class 604/264 and also accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

This application will be forwarded and docketed to an examiner for action on the merits commensurate with this decision.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

The petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/249,325	10/10/2008	James Nicholas Watson	H-RM-01263-02/COV-27-02	1512
80883	7590	02/17/2011		
Nelcor Puritan Bennett LLC			EXAMINER	
ATTN: IP Legal			LAU, TUNG S	
6135 Gunbarrel Avenue			ART UNIT	
Boulder, CO 80301			PAPER NUMBER	
			2857	
			NOTIFICATION DATE	
			DELIVERY MODE	
			02/17/2011	
			ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.legal@covidien.com



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Paper Number: 20110215

Nelcor Puritan Bennett LLC
ATTN: IP Legal
6135 Gunbarrel Avenue
Boulder CO 80301

In re Application of:
James Nicholas Watson *et al.*

Serial No.: 12/249,325

Filed: 10/10/2008

Attorney Docket No.: H-RM-01263-02/COV-27-02


:
:
DECISION ON PETITION
: FOR USE OF COLOR DRAWINGS UNDER 37
:
C.F.R 1.84(a)(2)

This is a decision in response to the updated petition under 37 C.F.R. 1.84(a)(2), filed 10/10/2008. The petition fee has been paid.

The petition is **GRANTED**.

The Petition sets forth an explanation regarding why the color drawings are necessary, the required fee, the required paragraph is provided in the specification and includes three sets of color drawings.

Accordingly, the color drawings are accepted as formal drawings in the above-referenced application.


Drew A. Dunn, Supervisory Patent Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/249,368	10/10/2008	JEFFREY WU	J&J 5340 USNP	1594
7590 11/19/2010				
PHILIP S. JOHNSON JOHNSON & JOHNSON ONE JOHNSON & JOHNSON PLAZA NEW BRUNSWICK, NJ 08933-7003				
EXAMINER FRAZIER, BARBARA S				
ART UNIT PAPER NUMBER				
1611				
NOTIFICATION DATE DELIVERY MODE				
11/19/2010 ELECTRONIC				

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d) *The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

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QUARLES & BRADY LLP
411 E. WISCONSIN AVE
SUITE 2040
MILWAUKEE, WI 53202-4494

MAILED

NOV 21 2011

OFFICE OF PETITIONS

DECISION ON PETITION

In re Application of :
Theresa GRATSCH et al. :
Application No. 12/249,452 :
Filed: October 10, 2008 :
Attorney Docket No. 920357.00007 :

This is a decision on the petition under 37 CFR 1.137(b), filed November 3, 2011, to revive the above-identified application.

The petition is **GRANTED**.


The above-identified application became abandoned for failure to reply in a timely manner to the final Office action mailed April 29, 2011, which set a shortened statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on July 30, 2011.

The above-identified application is being revived solely for purposes of continuity. As continuity has been established by this decision reviving the above-identified application, the above-identified application is again abandoned in favor of continuing application No. 13/283,342, filed October 27, 2011.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See In re Application of S.*, 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$635 extension of time fee submitted with the petition on November 3, 2011 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries concerning this decision should be directed to Joanne Hama at (571) 272-2911 or in her absence, the undersigned at (571) 272-7099.



David Budei
Petitions Examiner
Office of Petitions

cc: Sara D. Vinarov, J.D., Ph. D.
Quarles & Brady LLP
300 North LaSalle Street
Suite 4000
Chicago, IL 60654



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BOOTH UDALL, PLC
1155 W. Rio Salado Pkwy.
Suite 101
Tempe AZ 85281

MAILED

AUG 27 2010

In re Application of	:	OFFICE OF PETITIONS
Herb Gerard et al.	:	
Application No. 12/249,481	:	DECISION ON PETITION
Filed: October 10, 2008	:	
Attorney Docket No. 1375.002	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 2, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed October 5, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 6, 2010. A Notice of Abandonment was mailed on April 28, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$810 and (3) a proper statement of unintentional delay. Accordingly, the amendment is accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 3752 for appropriate action by the Examiner in the normal course of business on the reply received July 2, 2010.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



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1155 W. RIO SALADO PKWY.
SUITE 101
TEMPE AZ 85281

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OCT 22 2010

OFFICE OF PETITIONS

In re Application of
Gerard et al.
Application No. 12/249,481
Filed: October 10, 2008
Attorney Docket No. 1375.002

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 6, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **DISMISSED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

Any papers filed in the application must be signed by:

- (1) A registered patent attorney or patent agent of record appointed in compliance with § 1.32(b);
- (2) A registered attorney or agent not of record who acts in a representative capacity under the provisions of § 1.34;
- (3) An assignee as provided for under § 3.71(b); or
- (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71.

In the instant petition for expedition due to age the petition was not signed by the applicant.

Further, petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14).

Additionally, the address given on the petition differs from the address of record. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

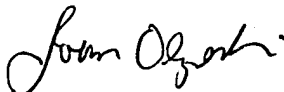
Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop. PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.



Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Herb Gerard
1718 S. Longmore #47
Mesa AZ 85202



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Paper No.

BOOTH UDALL, PLC
1155 W. Rio Salado Pkwy.
Suite 101
Tempe AZ 85281

MAILED
OCT 20 2011
OFFICE OF PETITIONS

In re Application of	:	
Gerard et al.	:	
Application No. 12/249,481	:	DECISION ON PETITION
Filed: October 10, 2008	:	UNDER 37 C.F.R. § 1.137(B)
Attorney Docket Number:	:	
1375.002	:	
Title: EXTENDABLE SPRINKLER	:	
DEVICE	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed on August 9, 2011, to revive the above-identified application.

This petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to reply within the meaning of 37 C.F.R. § 1.113 in a timely manner to the final Office action mailed November 15, 2010, which set a shortened statutory period for reply of three months. A first after-final amendment was received on February 15, 2011, and an advisory action was mailed on March 16, 2011. A second after-final amendment was filed on May 12, 2011 along with a three-month extension of time, and an advisory action was mailed on May 31, 2011. No additional extensions of time under the provisions of 37 C.F.R. § 1.136(a) were available, and no further responses were received. Accordingly, the above-identified application became abandoned on May 16, 2011. A notice of abandonment was mailed on July 27, 2011.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;

Decision on Petition pursuant to 37 C.F.R. § 1.137(b)

- (2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner has submitted the petition fee and the proper statement of unintentional delay. Petitioner has further submitted an amendment that has been considered by the Examiner. A communication from the Examiner has been included with this decision.

The first, second, and third requirements of Rule 1.137(b) have been satisfied. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.¹

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the amendment that was received with the present petition can be processed.

Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225.²



Paul Shanowski
Senior Attorney
Office of Petitions

Encl. Miscellaneous Office Communication

¹ See Rule 1.137(d).

² Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

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Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
12/249,481	10 October 2008	GERARD ET AL.	1375.002

BOOTH UDALL, PLC
1155 W. Rio Salado Pkwy.
Suite 101
Tempe, AZ 85281

EXAMINER

TREVOR E. MCGRAW

ART UNIT	PAPER
----------	-------

3752

10132011

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The amendment filed 08/09/2011 is OK to enter upon revival.

/T. E. M./
Examiner, Art Unit 3752



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DORR, CARSON & BIRNEY, P.C.
501 SOUTH CHERRY STREET
SUITE 800
DENVER CO 80246

MAILED

JUN 08 2011

OFFICE OF PETITIONS

In re Application of :
Laurel R. Martin :
Application No. 12/249,537 : **DECISION ON PETITION**
Filed: October 10, 2008 :
Attorney Docket No. 8777/2 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 13, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed October 13, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 14, 2011. A Notice of Abandonment was mailed on April 18, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1,620 and (3) a proper statement of unintentional delay. Accordingly, the amendment is accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 3776 for appropriate action by the Examiner in the normal course of business on the reply received May 13, 2011.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



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FISH & RICHARDSON P.C.
P.O BOX 1022
MINNEAPOLIS MN 55440-1022

MAILED

OCT 19 2011

In re Application of : OFFICE OF PETITIONS
Hubertus Notohamiprodjo, et al. :
Application No. 12/249,647 : DECISION GRANTING PETITION
Filed: October 10, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. MP2467.D1 / 13361- :
0212001 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, October 18, 2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on September 21, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2858 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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**DORSEY & WHITNEY LLP – NEW YORK (PT/18
ATTENTION: INTELLECUAL PROPERTY/
PATENT DEPARTMENT
250 PARK AVENUE
NEW YORK NY 10177-1500**

MAILED

MAY 20 2011

OFFICE OF PETITIONS

In re Application of	:	
CAVANAUGH	:	
Application No. 12/249,694	:	DECISION ON PETITION
Filed: October 10, 2008	:	TO WITHDRAW
Attorney Docket No. 190826/US – 485192-00001	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 8, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Benjamin Y. Han on behalf of the attorneys of record associated with Customer No. 30873.

The attorneys of record associated with Customer No. 30873 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc: GERARD V. CAVANAUGH
C/O EPLANET UNITED LLC
155 EAST LANCASTER AVENUE
WAYNE PA 19087



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/249,694	10/10/2008	Gerard V. Cavanaugh	190826/US - 485192-00001

CONFIRMATION NO. 2251

30873

DORSEY & WHITNEY LLP - NEW YORK (PT/18)

ATTENTION: INTELLECUAL PROPERTY/PATENT DEPARTMENT

250 PARK AVENUE

NEW YORK, NY 10177-1500

POWER OF ATTORNEY NOTICE



OC000000047726851

Date Mailed: 05/18/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/08/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/dcgoodwyn/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)	
Application Number	12249742	
Filing Date	10-Oct-2008	
First Named Inventor	Charles Barber	
Art Unit	2887	
Examiner Name	TUYEN VO	
Attorney Docket Number	H28187	
Title	READING APPARATUS HAVING PARTIAL FRAME OPERATING MODE	
<p>An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.</p> <p>APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).</p> <p>A grantable petition requires the following items:</p> <p>(1) Petition fee; and</p> <p>(2) One of the following reasons:</p> <p>(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;</p> <p>(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or</p> <p>(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).</p>		
<p>Petition Fee</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY</p>		
Reason for withdrawal from issue		

- ☐ One or more claims are unpatentable
- ☒ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- ☐ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that:
- ☐ The RCE request, submission, and fee have already been filed in the above-identified application on
- ☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☐ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☒ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- ☐ A joint inventor; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/George S. Blasiak/
Name	George S. Blasiak
Registration Number	37283



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Decision Date : April 2, 2012

In re Application of :

Charles Barber

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12249742

Filed : 10-Oct-2008

Attorney Docket No : H28187

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed April 2, 2012 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 2887 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/249,753	10/10/2008	Harish Kumar Sampangi Rama	67272-8124.US01	2393
77042	7590	02/04/2011		
Perkins Coie LLP			EXAMINER	
P.O. Box 1208			HAMZA, FARUK	
Seattle, WA 98111-1208				
			ART UNIT	PAPER NUMBER
			2442	
			NOTIFICATION DATE	DELIVERY MODE
			02/04/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentprocurement@perkinscoie.com



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FEB 03 2011

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

Jordan M. Becker
Perkins Coie LLP
P.O. Box 1208
Seattle WA 98111-1208

In re Application of: RAMA, H.K.S. et. al.
Application No. **12/249,753**
Filed: October 10, 2008
Atty Docket No.: 67272-8124.US01
Title of the Invention:
LIMITING SIMULTANEOUS DATA
TRANSFER AND EFFICIENT THROTTLE
MANAGEMENT

**DECISION ON PETITION TO
WITHDRAW RESTRICTION
REQUIREMENT UNDER 37
C.F.R. § 1.181**

This is a decision on the Petition under 37 C.F.R. §1.181 filed 12/09/10 regarding a restriction requirement made in office action mailed September 1, 2010.

This petition is **GRANTED**.

RULES AND REGULATIONS

MPEP §806.05(d): Subcombinations Usable Together

Two or more claimed subcombinations, disclosed as usable together in a single combination, and which can be shown to be separately usable, are usually restrictable when the subcombinations **do not overlap** in scope and are **not obvious variants**.

MPEP §806.04(f): Restriction Between Mutually Exclusive Species

Where two or more species are claimed, a requirement for restriction to a single species may be proper if the species are **mutually exclusive**. Claims to different species are mutually exclusive if one claim recites limitations disclosed for a first species but not a second, while a second claim recites limitations disclosed only for the second species and not the first. This may also be expressed by saying that to require restriction between claims limited to species, the claims must not overlap in scope

MPEP §806.05(j): Related Products; Related Processes

To support a requirement for restriction between two or more related product inventions, or between two or more related process inventions, both two-way distinctness and reasons for insisting on restriction are necessary, i.e., separate classification, status in the art, or field of search. See MPEP § 808.02. See MPEP § 806.05(c) for an explanation of the requirements to establish two-way distinctness as it applies to inventions in a combination/subcombination

relationship. For other related product inventions, or related process inventions, the inventions are distinct if (A) the inventions as claimed **do not overlap in scope, i.e., are mutually exclusive**; (B) the inventions as claimed are **not obvious variants**; and (C) the inventions as claimed are either not capable of use together or can have a materially different design, mode of operation, function, or effect. See MPEP § 802.01. The burden is on the examiner to provide an example to support the determination that the inventions are distinct, but the example need not be documented. If applicant either proves or provides convincing evidence that the example suggested by the examiner is not workable, the burden is on the examiner to suggest another viable example or withdraw the restriction requirement.

MPEP §806.03 Single Embodiment, Claims Defining Same Essential Features

Where the claims of an application define the same essential characteristics of a single disclosed embodiment of an invention, restriction there between should never be required. This is because the claims are not directed to distinct inventions; rather they are different definitions of the same disclosed subject matter, varying in breadth or scope of definition.

MPEP §806.05(c) Combination and Subcombination

To support a requirement for restriction between combination and subcombination inventions, both two-way distinctness and reasons for insisting on restriction are necessary, i.e., there would be a serious search burden if restriction were not required as evidenced by separate classification, status, or field of search. See MPEP § 808.02. The inventions are distinct if it can be shown that a combination as claimed: (A) does not require the particulars of the subcombination as claimed for patentability (to show novelty and unobviousness), and (B) the subcombination can be shown to have utility either by itself or in another materially different combination. When these factors cannot be shown, such inventions are not distinct.

MPEP §806.05(d) Subcombinations Usable Together

Two or more claimed subcombinations, disclosed as usable together in a single combination, and which can be shown to be separately usable, are usually restrictable when the subcombinations do not overlap in scope and are not obvious variants. To support a restriction requirement where applicant separately claims plural subcombinations usable together in a single combination and claims a combination that requires the particulars of at least one of said subcombinations, both two-way distinctness and reasons for insisting on restriction are necessary. Each subcombination is distinct from the combination as claimed if: (A) the combination does not require the particulars of the subcombination as claimed for patentability (e.g., to show novelty and unobviousness), and (B) the subcombination can be shown to have utility either by itself or in another materially different combination.

DECISION

The claims as filed 10/10/08 has been reviewed and found not restrictable in accordance with the rules and regulations above mentioned. Specifically, (at least) claims 1, 7 and 14, (A) the inventions as claimed have overlap in scope; (B) the inventions as claimed are obvious variants; and (C) the inventions as claimed do not have a materially different design, mode of operation, function, or effect. Thus, a prima facie requirement for restriction has not been set forth.

For the above-mentioned reasons, the petition is **granted**.

The restriction requirement is hereby **WITHDRAWN**.

The application will be forwarded to the examiner for consideration on the merits of all pending claims.

Any inquiry regarding this decision should be directed the undersigned whose telephone number is (571) 272-3902. If attempts to reach the undersigned by telephone are unsuccessful, Kim Huynh, Quality Assurance Specialist, can be reached at (571) 272-4147.

/Beatriz Prieto/

Beatriz Prieto, Quality Assurance Specialist
Technology Center 2400
Network, Multiplexing, Cable and Security



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**INTELLECTUAL PROPERTY GROUP
FREDRIKSON & BYRON, P.A.
200 SOUTH SIXTH STREET, SUITE 4000
MINNEAPOLIS MN 55402**

MAILED

SEP 30 2010

In re Application of	:	OFFICE OF PETITIONS
Shaun E. Sullivan	:	
Application No. 12/249,776	:	DECISION ON PETITION
Filed: October 10, 2008	:	TO WITHDRAW
Attorney Docket No. 57952.2.2	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 18, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Eric J. Snustad on behalf of all attorneys/agents associated with customer 22859. All attorneys/agents associated with customer number 22859 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address has been changed and is copied below.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Spin Energy Corporation
494 State Street, Suite 500
Salem, OR 97301



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/249,776	10/10/2008	Shaun E. Sullivan	57952.2.2

CONFIRMATION NO. 2440

POWER OF ATTORNEY NOTICE



OC000000043770334

22859
INTELLECTUAL PROPERTY GROUP
FREDRIKSON & BYRON, P.A.
200 SOUTH SIXTH STREET, SUITE 4000
MINNEAPOLIS, MN 55402

Date Mailed: 09/29/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/18/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Carl Kukkonen (SAP / Business Objects)
Mintz Levin Cohn Ferris Glovsky Popeo PC
3580 Carmel Mountain Rd., Suite 300
San Diego CA 92130

MAILED
APR 25 2011
OFFICE OF PETITIONS

In re Application of	:	
Adam Binnie	:	
Application No. 12/249,815	:	DECISION ON PETITION
Filed: October 10, 2008	:	TO WITHDRAW
Attorney Docket No. BOBJ-191/01US	:	FROM RECORD
304661-2494	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed March 11, 2011.

The request is **NOT APPROVED**.

A review of the file record indicates that Cliff Z. Liu, Jason C. Fan, and William S. Galliani does not have power of attorney or was ever given power of attorney in the above-identified application. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

cc: William S. Galliani
777 Sixth Street NW
Suite 1100
Washington, DC 20001

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	12249822	
Filing Date	10-Oct-2008	
First Named Inventor	Alexander Bakman	
Art Unit	3627	
Examiner Name	LUNA CHAMPAGNE	
Attorney Docket Number	099257-0105	
Title	METHOD, SYSTEM AND APPARATUS FOR CALCULATING CHARGEBACK FOR VIRTUALIZED COMPUTING RESOURCES	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 48329		
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	VKERNEL CORPORATION	
Address	300 BRICKSTONE SQUARE SUITE 503	
City	ANDOVER	
State	MA	
Postal Code	01810	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/McKenna, Christopher/
Name	McKenna, Christopher
Registration Number	53302



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : April 18, 2012

In re Application of :

Alexander Bakman

Application No : 12249822

Filed : 10-Oct-2008

Attorney Docket No : 099257-0105

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed April 18, 2012

The request is **APPROVED**.

The request was signed by McKenna, Christopher (registration no. 53302) on behalf of all attorneys/agents associated with Customer Number 48329 . All attorneys/agents associated with Customer Number 48329 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name VKERNEL CORPORATION
Name2
Address 1 300 BRICKSTONE SQUARE
Address 2 SUITE 503
City ANDOVER
State MA
Postal Code 01810
Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions



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www.uspto.gov

Aaron R. Cathcart
4940 Haley Farms Drive
Cumming GA 30028

MAILED

DEC 05 2011

: OFFICE OF PETITIONS

In re Application of
Aaron Renwick Cathcart
Application No. 12/249,835
Filed: October 10, 2008
Attorney Docket No.

:
:
: DECISION ON PETITION
:
: TO MAKE SPECIAL UNDER
:
: 37 CFR 1.102(c)(1)
:

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 14, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by inventor Aaron Cathcart, attesting to his/her age. The above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

The application is being forwarded to the Office of Publications for action on the merits commensurate with this decision.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (05-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: XIC004 US2	Application Number (if known): 12/249,874	Filing date: Oct. 10, 2008
---	--	-----------------------------------

First Named Inventor: **Gerard Harbers**

Title: **Illumination Device with Light Emitting Diodes**

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements set forth in the notice titled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," as modified by the notice titled "Elimination of Classification Requirement in the Green Technology Pilot Program," each of which was published in the Federal Register, if the Office determines that the claims are not obviously directed to a single invention.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Preliminary Amendment; Declaration of Mark Pugh

Signature **/Michael J. Halbert/**

Date **11/5/2010**

Name (Print/Typed) **Michael J. Halbert**

Registration Number **40,633**

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.



*Total of 4 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**Instruction Sheet for
Petition to Make Special Under the Green Technology Pilot Program**
(Not to be Submitted to the USPTO)

The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction" and (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," available on the USPTO web site at http://www.uspto.gov/patents/init_events/green_tech.jsp):

- (1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371. The application must be previously filed before the publication date of the notice cited above. Reexamination proceedings are excluded from this pilot program.
- (2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- (3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- (4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- (5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- (6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/249,874	10/10/2008	Gerard Harbers	XIC004 US2	2643
34036 7590 11/24/2010 Silicon Valley Patent Group LLP 18805 Cox Avenue Suite 220 Saratoga, CA 95070			EXAMINER MCMILLAN, JESSICA L	
			ART UNIT 2875	PAPER NUMBER
			MAIL DATE 11/24/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Silicon Valley Patent Group LLP
18805 Cox Avenue
Suite 220
Saratoga CA 95070

In re Application of	:	
HARBERS et al	:	DECISION ON PETITION
Application No. 12/249,874	:	TO MAKE SPECIAL UNDER
Filed: October 10, 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. XIC004 US2	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on November 05, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

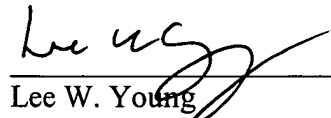
In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2875 for action in its regular turn.



Lee W. Young
Quality Assurance Specialist
Technology Center 2800



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DAFFER MCDANIEL LLP
P.O. BOX 684908
AUSTIN, TX 78768

MAILED

DEC 20 2010

OFFICE OF PETITIONS

In re Application of
Hosny Ibrahim Sabry
Application No. 12/250,112
Filed: October 13, 2008
Attorney Docket No. 5771-00100

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 1, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Kevin L. Daffer on behalf of all attorneys of record who are associated with customer No. 35617. All attorneys/agents associated with the Customer Number 35617 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There is an outstanding Office action mailed August 30, 2010 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: HOSNY IBRAHIM SABRY
27 B MANSHEIET EL AKRY ST
HELIOPOLIS, CAIRO EGYPT



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/250,112	10/13/2008	Hosny Ibrahim Sabry	5771-00100

35617
DAFFER MCDANIEL LLP
P.O. BOX 684908
AUSTIN, TX 78768

CONFIRMATION NO. 3146
POWER OF ATTORNEY NOTICE



Date Mailed: 12/20/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/01/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/250,136	10/13/2008	Patrick Wipplinger	BOEING 08-0788	3190
74532	7590	02/16/2012		
Hayes Soloway P.C. 4640 E. Skyline Drive Tucson, AZ 85718			EXAMINER LABBEES, EDNY	
			ART UNIT 2612	PAPER NUMBER
			NOTIFICATION DATE 02/16/2012	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

admin@hayes-soloway.com
nsoloway@hayes-soloway.com
sbronson@hayes-soloway.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

February 14, 2012

Hayes Soloway P.C.
4640 E. Skyline Drive
Tucson AZ 85718

In re Application of
WIPLINGER, PATRICK . , Et Al.
Application No: **12/250136**
Filed: **10/13/2008**
Attorney Docket No: **BOEING 08-0788**

:
: **DECISION ON PETITION**
:

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) October 13, 2008.

The petition is **DISMISSED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the **color drawings** in question, (One (1) set for EFW filings, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings

"The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee."

The petition did not meet the following requirement(s). 1 ☐ 2 ☐ 3 ☒

A renewed petition filed under 37 C.F.R. 1.84 (a) (2) must be filed within TWO (2) MONTHS of this decision. If a renewed petition is not filed within the TWO (2) Months of this decision the drawings will be printed in black and white.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571- 576-1565.

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	12/250,158	Filing date:	October 13, 2008
First Named Inventor:	Raymond E. Davis		

Title of the
Invention: **Utility Cutter**

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBS/EF5_HELP.HTML](http://www.uspto.gov/ebs/efs_help.html)

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT
application number(s) is/are: **PCT/US2009/060353**

The international filing date of the corresponding
PCT application(s) is/are: **October 12, 2009**

I. List of Required Documents:

- a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☐

Is attached

☒

Is not attached because the document is already in the U.S. application.

- b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☒

Is attached.

☐

Is not attached because the document is already in the U.S. application.

- c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	12/250,158
First Named Inventor:	Raymond E. Davis

- d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.

□

Is attached

☐

Has already been filed in the above-identified U.S. application on February 22, 2010

- (2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)**

7

Are attached.

☐

Have already been filed in the above-identified U.S. application on February 22, 2010

II. Claims Correspondence Table:

[illegible]

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature <u>Matthew K. Wernli</u>	Date <u>March 24, 2011</u>
Name (Print/Typed) <u>Matthew K. Wernli</u>	Registration Number <u>63,173</u>

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/250,158	10/13/2008	Raymond E. Davis	23365-0030001	3242
26231 7590 03/28/2011 FISH & RICHARDSON P.C. (DA) P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022				
			EXAMINER NGUYEN, PHONG H	
			ART UNIT 3724	PAPER NUMBER
			NOTIFICATION DATE 03/28/2011	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FISH & RICHARDSON P.C. (DA)
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

In re Application of	:	
DAVIS, RAYMOND E. et al	:	DECISION ON REQUEST TO
Application No. 12/250,158	:	PARTICIPATE IN PATENT
Filed: Oct. 13, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 23365-0030001	:	PILOT PROGRAM AND PETITION
For: UTILITY CUTTER	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed March 24, 2010 to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the JPO, EPO, KIPO or USPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPR) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

All other inquiries concerning the examination or status of the application should be directed to Boyer Ashley, the SPE of Art Unit 3724 and (571)272-4502 for Class 30/162 and also accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

This application will be forwarded and docketed to an examiner for action on the merits commensurate with this decision.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

The petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856



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REED SMITH LLP
101 Second Street
Suite 1800
SAN FRANCISCO CA 94105

MAILED

MAR 19 2012

OFFICE OF PETITIONS

In re Application of
Seery et al.
Application No. 12/250,242
Filed: October 13, 2008
Attorney Docket No. 361421.00300

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 17, 2012, to revive the above-identified application.

The petition is **GRANTED**.

This above-identified application became abandoned for failure to timely file a reply to a non-final Office action mailed August 9, 2011. The Office Action set a three (3) month shortened statutory period for reply. No extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, this application became abandoned on November 10, 2011. This decision precedes the mailing of a Notice of Abandonment.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment (2) the petition fee of \$930.00, and (3) a statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

This application is being referred to Technology Center AU 3635 for appropriate action by the Examiner in the normal course of business on the reply received

Charlema Grant
Attorney Advisor
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

VICTORIA L. BOYD
GENENCOR INTERNATIONAL, INC.
925 PAGE MILL ROAD
PALO ALTO, CA 94304-1013

MAILED

MAR 08 2011

In re Application of
Dunn et al.
Application No. 12/250,316
Filed: October 13, 2008
Attorney Docket No. GC 699-D1-C1

: **OFFICE OF PETITIONS**
:
: **DECISION ON PETITION**
: **UNDER 37 CFR 1.78(a)(3)**
:

This is a decision on the petition under 37 CFR 1.78(a)(3), filed March 1, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional Application No. 10/028,244, set forth in the amendment filed concurrently with the instant petition. This is also a decision under 37 CFR 1.182, filed March 1, 2011, to expedite the petition under 37 CFR 1.182(a)(3).

The petition under 1.182 to expedite is **GRANTED**.

The petition under 1.78(a)(3) is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application(s), unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The reference to add the prior-filed application on page one following the first sentence of the specification has been included in a concurrently filed amendment. However, the amendment is not acceptable as drafted since it improperly incorporates by reference the prior-filed Application No. 10/028,244. Petitioner's attention is directed to Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980), where the court drew a distinction between a permissible 35 U.S.C. § 120 statement and the impermissible introduction of new matter by way of incorporation by reference in a 35 U.S.C. § 120 statement. However, the Office will accept the priority claim as shown in the application data sheet (ADS) filed concurrently.

The instant nonprovisional application was filed after November 29, 2000, and the claim for priority herein is submitted after expiration of the period specified in 37 CFR § 1.78(a)(2)(ii). *See* 35 U.S.C. § 120. Accordingly, having found that the instant petition satisfies the conditions of 37 CFR § 1.78(a)(3) for acceptance of an unintentionally delayed claim for priority under 35 U.S.C. § 120, the petition to accept an unintentionally delayed claim of benefit to the prior-filed application is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR § 1.78(a)(3) should not be construed as meaning that the instant application is entitled to the benefit of the filing date of the prior-filed application. In order for the instant application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §120 and 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the instant application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the above-noted, prior-filed application, accompanies this decision on petition.

Any questions concerning this matter may be directed to Alicia Kelley at (571) 272-6059.

This matter is being referred to Technology Center Art Unit 1652 for appropriate action on the ADS submitted March 1, 2011, including consideration by the examiner of the claim under 35 U.S.C. § 120 and 37 CFR 1.78(a)(2) for the benefit of the prior-filed nonprovisional application.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions



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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/250,316	10/13/2008	1652	1090	GC 699-D1-C1	2	2

CONFIRMATION NO. 3562

CORRECTED FILING RECEIPT



Date Mailed: 03/08/2011

VICTORIA L. BOYD
GENENCOR INTERNATIONAL, INC.
925 PAGE MILL ROAD
PALO ALTO, CA 94304-1013

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Nigel Dunn-Coleman, Los Gatos, CA;
Frits Goedegebuur, Vlaardingen, NETHERLANDS;
Michael Ward, San Francisco, CA;
Jian Yao, Sunnyvale, CA;

Power of Attorney:

Richard Ito--32242 H. Anderton Jr.--40895
Janet Castaneda--33228 Victoria Boyd--43510
Margaret Horn--33401
Christopher Stone--35696
Kamrin MacKnight--38230

Domestic Priority data as claimed by applicant

This application is a CON of 11/329,498 01/10/2006 PAT 7,449,319
which is a DIV of 10/028,244 12/18/2001 PAT 7,045,331

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

If Required, Foreign Filing License Granted: 10/27/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/250,316**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

EGVII Endoglucanase and Nucleic Acids Encoding The Same

Preliminary Class

435

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER**Title 35, United States Code, Section 184****Title 37, Code of Federal Regulations, 5.11 & 5.15****GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

I hereby certify that this correspondence is being filed via
EFS-Web with the United States Patent and Trademark Office
on February 4, 2011

PATENT
Docket No.: 026258-003430US
Client Ref. No.: ECC-0204-US-4

TOWNSEND and TOWNSEND and CREW LLP

By: /Kelly Mak/

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Kevin Kimmich et al.

Application No.: 12/250,384

Filed: October 13, 2008

For: PREDICTIVE ADAPTIVE
CODING AND MODULATION

Customer No.: 61668

Confirmation No.: 3684

Examiner: Banks Harold, Marsha
Denise

Art Unit: 2482

PETITION TO MAKE
SPECIAL PURSUANT TO
37 C.F.R. §1.102

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby petitions the Commissioner to make special the above-identified application in accordance with the Patent Application Backlog Reduction Stimulus Plan, as most recently published in the Federal Register on November 22, 2010 at 75 Fed. Reg. 71072, pursuant to 37 C.F.R. §1.102. Applicant states the following:

- a) the basis under which special status is being sought is express abandonment of another copending application, pursuant to the Patent Application Backlog Reduction Stimulus Plan;
- b) a copy of the letter of express abandonment and the statements accompanying the letter of express abandonment from the copending application that is expressly abandoned, as filed with the USPTO, is attached as exhibit A;

- c) both the instant application and the expressly abandoned application are currently commonly assigned to Viasat, Inc., and were so assigned prior to October 1, 2009;
- d) the application that is expressly abandoned is application serial number 12/170,644, which was filed on July 10, 2008;
- e) applicant hereby certifies that applicant has not filed petitions in more than fourteen other applications requesting special status under the Patent Application Backlog Reduction Stimulus Plan program; and
- f) applicant hereby agrees to make an election without traverse in a telephonic interview if the Office determines that the claims of the instant application are directed to two or more independent and distinct inventions.

Below are the applications involved in this Patent Application Exchange Program transaction. Please notify the undersigned immediately if you notice any inconsistencies between this information and the information on file.

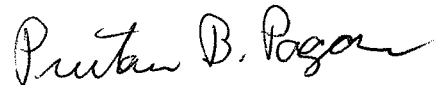
Application being Advanced	Application being Abandoned
Serial Number: 12/250,384 Title: PREDICTIVE ADAPTIVE CODING AND MODULATION First Named Inventor: Kimmich Filing Date: 13-Oct-2008 Attorney Docket: 026258-003430US Client Docket: ECC-0204-US-4	Serial Number: 12/170,644 Title: WIRELESS DISTRIBUTION OF PASSIVE OPTICAL NETWORK SIGNALS First Named Inventor: Lubin Filing Date: 10-Jul-2008 Attorney Docket: 026258-003210US Client Docket: ECC-0273-US-2

Kevin Kimmich et al.
Application No.: 12/250,384
Page 3

PATENT

Pursuant to the conditions for being accorded special status for examination under the Patent Application Backlog Stimulus Reduction Plan, applicant believes no fee is required for the instant petition. Applicant respectfully requests that this petition to make special pursuant to 37 C.F.R. §1.102 be granted.

Respectfully submitted,



Preetam B. Pagar
Reg. No. 57,684

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: (415) 576-0200
Fax: (415) 576-0300
PBP:pbp

EXHIBIT A

Mailroom date of February 4, 2011 as downloaded from PAIR

Electronic Acknowledgement Receipt

EFS ID:	9377150
Application Number:	12170644
International Application Number:	
Confirmation Number:	1446
Title of Invention:	WIRELESS DISTRIBUTION OF PASSIVE OPTICAL NETWORK SIGNALS
First Named Inventor/Applicant Name:	Michael Lorre Lubin
Customer Number:	61668
Filer:	Preetam Baburao Pagar/Kelly Mak
Filer Authorized By:	Preetam Baburao Pagar
Attorney Docket Number:	026258-003210US
Receipt Date:	04-FEB-2011
Filing Date:	10-JUL-2008
Time Stamp:	15:11:18
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no				
File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Letter Express Abandonment of the application	026258_003210US_Express_Abandonment.pdf	80901 78a107a7173e2f31efb1fe043a5ee9965ec9647	no	1
Warnings:					
Information:					

2	Letter Express Abandonment of the application	026258_003210US_Statement.pdf	81805 ac1c3a1511a88e86b571a7e714b8df1e93e6fbbb	no	2
Warnings:					
Information:					
Total Files Size (in bytes):				162706	
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					

COPY

EXPRESS ABANDONMENT UNDER 37 CFR 1.138

File the petition electronically using EFS-Web
Or Mail the petition to:
Mail Stop Express Abandonment
Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	12/170,644
Filing Date	July 10, 2008
First Named Inventor	Lubin, Michael Lorre
Art Unit	2613
Examiner Name	Vanderpuye, Kenneth
Attorney Docket Number	026258-003210US

Please check only one of boxes 1 or 2 below:

(If no box is checked, this paper will be treated as a request for express abandonment as if box 1 is checked.)

1. ☒ **Express Abandonment**
I request that the above-identified application be expressly abandoned as of the filing date of this paper.
2. ☐ **Express Abandonment in Favor of a Continuing Application**
I request that the above-identified application be expressly abandoned as of the filing date accorded the continuing application filed previously or herewith.

NOTE: A paper requesting express abandonment of an application is not effective unless and until an appropriate USPTO official recognizes and acts on the paper. See the Manual of Patent Examining Procedure (MPEP), section 711.01.

TO AVOID PUBLICATION, PLEASE USE FORM PTO/SB/24A INSTEAD OF THIS FORM.

TO REQUEST A REFUND OF SEARCH FEE AND EXCESS CLAIMS FEE (IF ELIGIBLE), USE FORM PTO/SB/24B INSTEAD OF THIS FORM.

- I am the
- ☐ applicant.
 - ☐ assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)
 - ☒ attorney or agent of record. Attorney or agent registration number is 57,684
 - ☐ attorney or agent acting under 37 CFR 1.34, who is authorized under 37 CFR 1.138(b) because the application is expressly abandoned in favor of a continuing application (box 2 above must be checked). Attorney or agent registration number is _____.

/Preetam B. Pagar/
Signature

February 4, 2011
Date

Preetam B. Pagar
Typed or printed name

415-576-0200
Telephone Number

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of 1 forms are submitted.

I hereby certify that this correspondence is being filed via
EFS-Web with the United States Patent and Trademark Office
on February 4, 2011

PATENT
Docket No.: 026258-003210US
Client Ref. No.: ECC-0273-US-2

TOWNSEND and TOWNSEND and CREW LLP

By: /Kelly Mak/

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Michael Lorre Lubin et al.

Application No.: 12/170,644

Filed: July 10, 2008

For: WIRELESS DISTRIBUTION OF
PASSIVE OPTICAL NETWORK
SIGNALS

Customer No.: 61668

Confirmation No.: 1446

Examiner: Vanderpuye, Kenneth N.

Art Unit: 2613

STATEMENT PURSUANT
TO PATENT APPLICATION
BACKLOG REDUCTION
STIMULUS PLAN

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Commissioner:

Pursuant to the Patent Application Backlog Reduction Stimulus Plan, as most recently published in the Federal Register on November 22, 2010 at 75 Fed. Reg. 71072, applicant hereby expressly abandons the instant application. A petition for express abandonment of the instant application pursuant to 37 C.F.R. §1.138(a) is filed concurrently with this paper. Pursuant to the requirements of the Patent Application Backlog Reduction Stimulus Plan, applicant hereby makes the following statements:

- a) applicant has not and will not file an application that claims the benefit of the instant expressly abandoned application under any provision of Title 35, United States Code;

Michael Lorre Lubin et al.
Application No.: 12/170,644
Page 2

PATENT

- b) applicant agrees not to request a refund of any fees paid in the instant expressly abandoned application; and
- c) applicant has not and will not file a new application that claims the same invention claimed in the instant expressly abandoned application.

Below are the applications involved in this Patent Application Exchange Program transaction. Please notify the undersigned immediately if you notice any inconsistencies between this information and the information on file.

Application being Advanced	Application being Abandoned
Serial Number: 12/250,384 Title: PREDICTIVE ADAPTIVE CODING AND MODULATION First Named Inventor: Kimmich Filing Date: 13-Oct-2008 Attorney Docket: 026258-003430US Client Docket: ECC-0204-US-4	Serial Number: 12/170,644 Title: WIRELESS DISTRIBUTION OF PASSIVE OPTICAL NETWORK SIGNALS First Named Inventor: Lubin Filing Date: 10-Jul-2008 Attorney Docket: 026258-003210US Client Docket: ECC-0273-US-2

Respectfully submitted,

/Preetam B. Pagar/

Preetam B. Pagar
Reg. No. 57,684

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: (415) 576-0200
Fax: (415) 576-0300
PBP:pbp



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

TOWNSEND AND TOWNSEND AND CREW LLP/VIASAT
VIASAT, INC. (CLIENT #017018)
TWO EMBARCADERO CENTER
8TH FLOOR
SAN FRANCISCO CA 94111

MAILED

FEB 14 2011

OFFICE OF PETITIONS

In re Application of

KIMMICH, et al.

Application No. 12/250,384

Filed: October 13, 2008

Attorney Docket No. **026258-003430US**

:
:
:
:
:

**DECISION ON PETITION
TO MAKE SPECIAL
37 CFR 1.102**

This is a decision on the petition under 37 CFR 1.102, filed February 4, 2011, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009) and 75 Federal register Notice 36063 (June 24, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 62285 and 75 FR 36063 must be directed to a nonprovisional application filed prior to October 1, 2009.

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

- (1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009;
- (2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;
- (3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;
- (4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and
 - a) includes a statement that the applicant has not and will not file a new application that claims the same invention claimed in the expressly abandoned application;

- b) includes a statement that the applicant has not and will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United States Code, and
 - c) includes a statement that the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and
- (5) The applicant files a petition under 37 CFR 1.102 in the application for which special status is sought that
- a) includes a specific identification of the relationship between the applications that qualifies the application for special status;
 - b) identifies, by application number if available, the application that is being expressly abandoned;
 - c) provides a statement certifying that applicant has not filed petitions in more than fourteen (14) other applications requesting special status under this program; and
 - d) provides a statement that applicant agrees to make an election without traverse in a telephonic interview if the Office determines that the claims of the application to be made special are directed to two or more independent and distinct inventions.

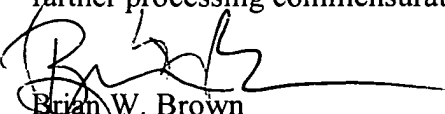
The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

The instant petition complies with the conditions required under Patent Application Backlog Reduction Stimulus Plan. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Brian W. Brown at 571-272-5338.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Office of Patent Application Processing for further processing commensurate with this decision.



Brian W. Brown
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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**KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834**

MAILED

JUL 14 2011

OFFICE OF PETITIONS

In re Application of	:	
Koray Sahin et al.	:	
Application No. 12/250,398	:	DECISION ON PETITION
Filed: October 13, 2008	:	TO WITHDRAW
Attorney Docket No. 026705-001400US	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 5, 2011.

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because a proper forwarding address was not provided. The request to change the correspondence address should be that of the: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R. 3.71.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272- 4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FOLEY HOAG, LLP
Patent Group
World Trade Center West
155 Seaport Blvd.
Boston, MA 02110

MAILED

MAR 28 2011

OFFICE OF PETITIONS

In re Application of
Renu Gupta
Application No. 12/250,412
Filed: October 13, 2008
Attorney Docket No. 127234-010000

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 10, 2011.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Foley Hoag, LLP has been revoked by the assignee of the patent application on March 10, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **GREENBERG TRAURIG, LLP**
200 Park Avenue
P.O. Box 677
Florham Par, NJ 07932



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**LOCKE LORD BISSELL & LIDDELL LLP
600 TRAVIS SUITE 2800
HOUSTON TX 77002-3095**

MAILED

MAR 12 2012

OFFICE OF PETITIONS

In re Application of	:	
Robert M. Welch et al.	:	
Application No. 12/250,443	:	DECISION ON PETITION
Filed: October 13, 2008	:	TO WITHDRAW
Attorney Docket No. 0016422-201US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 7, 2012.

The request is **not approved**.

The Office will no longer approve requests from practitioners to withdraw from applications where the requesting practitioner is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34. In these situations, the practitioner is responsible for the correspondence the practitioner files in the application while acting in a representative capacity. As such, there is no need for the practitioner to obtain the Office's permission to withdraw from representation. However, practitioners acting in a representative capacity, like practitioners who have a power of attorney in the application, remain responsible for noncompliance with 37 CFR 1.56, as well as 37 CFR 10.18, with respect to documents they file.

A review of the file record indicates that D. Brit Nelson, and attorneys/agents associated with customer number 22904 do not have power of attorney, but has acted in a representative capacity in this patent application. See 37 C.F.R. § 10.40.

The request to change the correspondence address should be that of the: (1) the first named signing inventor; or (2) an assignee of the entire interest under 37 C.F.R. 3.71. In order to change the address, Form no. PTO/SB/122, should be filed.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4618

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

Docket No.: APL-P6615US1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Mike NUGENT et al.

Application No.: 12/250,502

Confirmation No.: 3897

Filed: October 13, 2008

Art Unit: 2628

For: SEAMLESS DISPLAY MIGRATION

Examiner: Kee M. Tung

PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to the expansion and extension of the Patent Application Backlog Reduction Stimulus Plan ("Project Exchange") published in 75 Fed. Reg. 36063 (June 24, 2010), Applicants request that this application ("502 application") be accorded special status for examination.

The conditions of Project Exchange are satisfied in connection with this request as follows:

- Special status is being sought for the '502 application based on the express abandonment of copending U.S. Patent Application No. 11/824,453 ("453 application"), filed June 28, 2007, and entitled "LIGHT DIFFUSER." A copy of a Letter of Express Abandonment that is being concurrently filed in the '453 application is attached in the Appendix;¹

¹ This petition is submitted under the assumption that the conditions of Project Exchange can be met in connection with this request. Should the Office determine that the conditions of Project Exchange cannot be met in connection with this request (e.g., due to the 10,000-application limit having been reached), please disregard this Petition and notify the undersigned.

- The '502 application and the '453 application are commonly owned by Apple Inc., a California corporation with a place of business at 1 Infinite Loop, Cupertino, California 95014;
- Applicants have not filed petitions in more than fourteen other applications requesting special status under Project Exchange; and
- Applicants agree to make an election without traverse in a telephonic interview if the Office determines that the claims of the '502 application are directed to two or more independent and distinct inventions.

Although the fee for this petition is waived under Project Exchange, the Commissioner is authorized to charge any fee due in connection with this filing to Deposit Account No. 03-1952 referencing docket no. 106842802900.

Dated: 10/1/10

Respectfully submitted,

APPLE INC.

By

Brett Alten

Registration No.: 42,258

Attorney of Record

Customer No. 62096

(408) 974-6524

Attachment

APPENDIX

Docket No.: P4672US5
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
M. Evans HANKEY et al.

Application No.: 11/824,453

Confirmation No.: 4483

Filed: June 28, 2007

Art Unit: 2614

For: LIGHT DIFFUSER

Examiner: Curtis A. Kuntz

WRITTEN DECLARATION OF EXPRESS ABANDONMENT

PURSUANT TO 37 CFR 1.138(a) IN EXCHANGE FOR

SPECIAL STATUS IN U.S. PATENT APPLICATION NO. 12/250,502

Mail Stop EXPRESS ABANDONMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to the expansion and extension of the Patent Application Backlog Reduction Stimulus Plan ("Project Exchange") published in 75 Fed. Reg. 36063 (June 24, 2010), Applicants request that this application ("453 application") be expressly abandoned as of the filing date of this paper.

The conditions of Project Exchange are satisfied in connection with this request as follows:

- the '453 application is being expressly abandoned in exchange for special status being accorded for U.S. Patent Application No. 12/250,502 ("502 application"), filed October 13, 2008, and entitled "SEAMLESS DISPLAY MIGRATION." A Petition

to Make Special under 37 CFR 1.102 is being filed concurrently herewith in the '502 application;¹

- Applicants have not and will not file an application that claims the benefit of the '453 application under any provision of title 35, United States Code;
- Applicants agree not to request a refund of any fees paid in the '453 application; and
- Applicants have not and will not file a new application that claims the same invention claimed in the '453 application (the phrase "same invention" having the same meaning as used in the context of statutory double patenting under 35 USC 101).

Although no fee is believed due for this petition, the Commissioner is authorized to charge any fee due in connection with this filing to Deposit Account No. 03-1952 referencing docket no. 106842802900.

Dated: 10/11/10

Respectfully submitted,

APPLE INC.

By 

Brett Alten

Registration No.: 42,258

Attorney of Record

Customer No. 82427

(408) 974-6524

¹ This declaration is submitted under the assumption that the conditions of Project Exchange can be met in connection with this request. Should the Office determine that the conditions of Project Exchange cannot be met in connection with this request (e.g., due to the 10,000-application limit having been reached), please disregard this declaration and notify the undersigned.



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P.O. Box 1450
Alexandria, VA 22313-1450
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PVF -- APPLE INC.
c/o PARK, VAUGHAN & FLEMING LLP
2820 FIFTH STREET
DAVIS CA 95618-7759

MAILED

NOV 02 2010

OFFICE OF PETITIONS

In re Application of	:	
NUGENT, et al.	:	DECISION ON PETITION
Application No. 12/250,502	:	TO MAKE SPECIAL
Filed: October 13, 2008	:	37 CFR 1.102
Attorney Docket No. APL-P6615US1	:	

This is a decision on the petition under 37 CFR 1.102, filed October 5, 2010, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009) and 75 Federal register Notice 36063 (June 24, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 62285 and 75 FR 36063 must be directed to a nonprovisional application filed prior to October 1, 2009.

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

- (1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009;
- (2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;
- (3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;
- (4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and
 - a) include a statement that the applicant has not and will not file a new application that claims the same invention claimed in the expressly abandoned application;
 - b) includes with the letter of express abandonment a statement that the applicant has not and will not file an application that claims the benefit of the

expressly abandoned application under any provision of title 35, United States Code, and

c) the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and

(5) The applicant files a petition under 37 CFR 1.102 in the application for which special status is sought that

a) includes a specific identification of the relationship between the applications that qualifies the application for special status;

b) identifies, by application number if available, the application that is being expressly abandoned;

c) provides a statement certifying that applicant has not filed petitions in more than fourteen (14) other applications requesting special status under this program; and

d) provides a statement that applicant agrees to make an election without traverse in a telephonic interview if the Office determines that the claims of the application to be made special are directed to two or more independent and distinct inventions.

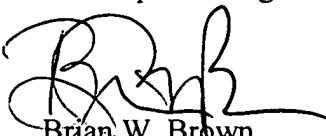
The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

The instant petition complies with the conditions required under Patent Application Backlog Reduction Stimulus Plan. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Brian W. Brown at 571-272-5338.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Office of Patent Application Processing for further processing commensurate with this decision.


Brian W. Brown
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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MORRISON & FOERSTER LLP
755 PAGE MILL RD
PALO ALTO CA 94304-1018

MAILED

DEC 08 2010

OFFICE OF PETITIONS

In re Application of	:	
Laxmi Iyer et al.	:	
Application No. 12/250,516	:	NOTICE
Filed: October 13, 2008	:	
Attorney Docket No. 627052000200	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/250,561	10/14/2008	ROBERT LEE SEGEBART	035718/385524	3997
29122	7590	07/27/2011	EXAMINER	
ALSTON & BIRD LLP			ZHENG, LI	
PIONEER HI-BRED INTERNATIONAL, INC.			ART UNIT	
BANK OF AMERICA PLAZA			PAPER NUMBER	
101 SOUTH TRYON STREET, SUITE 4000			1638	
CHARLOTTE, NC 28280-4000			MAIL DATE	
			DELIVERY MODE	
			07/27/2011	
			PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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JUL 27 2011

ALSTON & BIRD LLP
PIONEER HI-BRED INTERNATIONAL, INC.
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE NC 28280-4000

In re Application of: :
Robert Segebart :
Serial No.: 12/250,561 : PETITION DECISION
Filed: October 14, 2008 :
Attorney Docket No.: 035718/385524 :

This is in response to the petition under 37 CFR § 1.59(b), filed May 23, 2011, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, received by the Patent Office on May 26, 2011 (certificate of mail date of 5/23/11), be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/250,561	10/14/2008	ROBERT LEE SEGEBART	035718/385524	3997
29122	7590	10/03/2011		
ALSTON & BIRD LLP PIONEER HI-BRED INTERNATIONAL, INC. BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			EXAMINER ZHENG, LI	
			ART UNIT	PAPER NUMBER
			1638	
			MAIL DATE	DELIVERY MODE
			10/03/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents
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P.O. Box 1450
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ALSTON & BIRD LLP
PIONEER HI-BRED INTERNATIONAL, INC.
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE NC 28280-4000

In re Application of:
Robert L. Segebert
Serial No.: 12/250,561
Filed: October 14, 2008
Attorney Docket No.: 035718/385524

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: PETITION DECISION
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This is in response to the renewed petition under 37 CFR § 1.59(b), filed September 6, 2011, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the material received by the Patent Office on May 26, 2011 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/250,565	10/14/2008	ROBERT LEE SEGEBART	035718/385508	4001
29122	7590	10/13/2011	EXAMINER	
ALSTON & BIRD LLP			ZHENG, LI	
PIONEER HI-BRED INTERNATIONAL, INC.			ART UNIT	
BANK OF AMERICA PLAZA			PAPER NUMBER	
101 SOUTH TRYON STREET, SUITE 4000			1638	
CHARLOTTE, NC 28280-4000			MAIL DATE	
			DELIVERY MODE	
			10/13/2011	
			PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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ALSTON & BIRD LLP
PIONEER HI-BRED INTERNATIONAL, INC.
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE NC 28280-4000

In re Application of:

Robert L. Segebart

Serial No.: 12/250,565

Filed: October 14, 2008

Attorney Docket No.: 035718/385508

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: PETITION DECISION
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This is in response to the renewed petition under 37 CFR § 1.59(b), filed July 21, 2011, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the material received by the Patent Office on July 25, 2011 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/

Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600



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NVIDIA C/O MURABITO, HAO & BARNES LLP
TWO NORTH MARKET STREET
THIRD FLOOR
SAN JOSE, CA 95113

MAILED
JUL 22 2011
OFFICE OF PETITIONS

In re Application of :
Aditya Mittal, et al. :
Application No. 12/250,566 : **DECISION ON PETITION**
Filed: October 14, 2008 :
Attorney Docket No.: P003933 :

This is a decision on the petition, filed June 22, 2011, under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely pay the issue and publication fees on or before November 12, 2010, as required by the Notice of Allowance and Fee(s) Due (Notice), mailed August 12, 2010.

Petitioner asserts that the Notice dated August 12, 2010 was not received.

A review of the application file reveals no irregularities in the mailing of the Notice mailed June 11, 2009. Thus, there is a strong presumption that the correspondence was properly mailed to the applicant at the correspondence address of record. In the absence of demonstrated irregularities in mailing of this Notice, petitioner must submit evidence to overcome this presumption. The following showing is required:

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail

date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

Petitioner has adequately supported his claim of non-receipt with such evidence.

In view of the above, the Notice of Abandonment of August 12, 2010 is hereby vacated and the holding of abandonment withdrawn.

This application is being referred to the Technology Center AU 2111 technical support staff for **re-mailing** the Notice of Allowability and the Notice of Allowance and Fee(s) Due of August 12, 2010. The period for paying the issue and publication fees and submitting corrected drawings will be reset to expire three (3) months from the date the Notices are re-mailed. This period is not extendable under the provisions of 37 CFR 1.136.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/250,568	10/14/2008	EDWIN MICHAEL GROTE	035718/385506	4005
29122 7590 08/25/2011 ALSTON & BIRD LLP PIONEER HI-BRED INTERNATIONAL, INC. BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			EXAMINER ZHENG, LI	
			ART UNIT 1638	PAPER NUMBER
			MAIL DATE 08/25/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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AUG 25 2011

ALSTON & BIRD LLP
 PIONEER HI-BRED INTERNATIONAL, INC.
 BANK OF AMERICA PLAZA
 101 SOUTH TRYON STREET, SUITE 4000
 CHARLOTTE NC 28280-4000

In re Application of:

Edwin Grote

Serial No.: 12/250,568

Filed: October 14, 2008

Attorney Docket No.: 035718/385506

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 : PETITION DECISION
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This is in response to the petition under 37 CFR § 1.59(b), filed August 15, 2011, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on August 15, 2011, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

/MC Seidel/
 Marianne C. Seidel, Quality Assurance Specialist
 Technology Center 1600



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/250,568	10/14/2008	EDWIN MICHAEL GROTE	035718/385506	4005
29122	7590	11/08/2011	EXAMINER	
ALSTON & BIRD LLP			ZHENG, LI	
PIONEER HI-BRED INTERNATIONAL, INC.			ART UNIT	
BANK OF AMERICA PLAZA			PAPER NUMBER	
101 SOUTH TRYON STREET, SUITE 4000			1638	
CHARLOTTE, NC 28280-4000			MAIL DATE	
			DELIVERY MODE	
			11/08/2011	
			PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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ALSTON & BIRD LLP
PIONEER HI-BRED INTERNATIONAL, INC.
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE NC 28280-4000

In re Application of:

Grote et al.

Serial No.: 12/250,568

Filed: October 14, 2008

Attorney Docket No.: **035718/385506**

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: PETITION DECISION
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This is in response to the renewed petition under 37 CFR § 1.59(b), filed October 28, 2011, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the material submitted to the Patent Office on August 15, 2011 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600



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VERIZON
PATENT MANAGEMENT GROUP
1320 North Court House Road
9th Floor
ARLINGTON VA 22201-2909

MAILED
MAY 06 2011
OFFICE OF PETITIONS

In re Application of	:	
Kotrla et al.	:	
Application No.: 12/250587	:	DECISION ON
Filing or 371(c) Date: 10/14/2008	:	PETITION
Attorney Docket Number:	:	
20080200	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 18, 2011, to revive the above-identified application.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Allowance and Issue Fee Due, mailed November 30, 2010. The Notice set a non-extendable three (3) month period for reply. No reply having been received, the application became abandoned March 1, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee and the publication fee; (2) the petition fee; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

This application is being referred to the Office of Data Management for processing into a patent.

/DLW/

Derek L. Woods
Attorney
Office of Petitions



Patent No. : 7,951,843 B2
Ser. No. : 12/250,622
Inventor(s) : Ho
Issued : May 31, 2011
Title : AMIDE LINKED MODULATORS OF α -SECRETASE
Docket No. : PRD 2896USNP
Re: Request for Certificate of Correction

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing **incorrect or erroneous** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 (*see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481*). This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

A. the processing fee set forth in 37 CFR 1. 17(i) (currently \$130);

B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and

C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

By mail:

**Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450**

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (703) 872-9306
ATTN: Office of Petitions

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

Ennis Young
For Mary Diggs
Decisions & Certificates
of Correction Branch
(571) **272-3435** or (703) 756-1814



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/250,634	10/14/2008	Jason HUANG	HUANG199	4132
7590 12/08/2011 Browdy and Neimark, PLLC 1625 K Street, N.W. Suite 1100 Washington, DC 20006				
EXAMINER NGUYEN, VU Q				
ART UNIT		PAPER NUMBER		
3657				
MAIL DATE		DELIVERY MODE		
12/08/2011		PAPER		

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d) *The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management



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TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS TX 75265

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NOV 23 2011

OFFICE OF PETITIONS

In re Application of
Robert B. STASZEWSKI et al.
Application No. 12/250,646
Filed: October 14, 2008
Attorney Docket No. TI-35737

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: DECISION ON PETITION
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This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 09, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, October 19, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 20, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1,860.00, and (3) a proper statement of unintentional delay. Accordingly, the reply to the non-final Office action of October 19, 2010 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

This application is being referred to Technology Center AU 2474 for appropriate action by the Examiner in the normal course of business on the reply received.

Michelle R. Eason
Paralegal Specialist
Office of Petitions



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WPAT, PC
Intellectual Property Attorneys
2030 Main Street, Suite 1300
Irvine, CA 92614

MAILED

AUG 05 2010

OFFICE OF PETITIONS

In re Application of
Chien-Chih Yeh
Application No. 12/250,693
Filed: October 14, 2008
Attorney Docket No. 18206-087

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed June 9, 2010, to revive the above-identified application.

In response to the decision mailed June 3, 2010, petitioner submits the present renewed petition along with the \$810 petition fee.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of \$755 for payment of the issue fee and \$300 for payment of the publication fee; (2) the petition fee of \$810; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application file is being referred to the Office of Data Management for further processing into a patent.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions



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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
3404 E. Harmony Road
Mail Stop 35
FORT COLLINS CO 80528

MAILED
DEC 20 2011
OFFICE OF PETITIONS

In re Application of :
Cherkasova, et al. :
Application No. 12/250,748 : DECISION ON PETITION
Filed: October 14, 2008 : UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 82243181 :

This is a decision on the petition under 37 CFR 1.78(a)(6), filed December 9, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of the prior-filed provisional application set forth in the concurrently filed amendment.

The petition is **GRANTED**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

- (1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Further, the nonprovisional application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 119(e) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(6) should not be construed as meaning that this application is entitled

to the benefit of the filing date of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed provisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3205. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

The application is being forwarded to Technology Center AU 2857 for consideration by the examiner of the claim under 35 U.S.C. §119(e) for the benefit of priority to the prior-filed provisional application.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/250,748	10/14/2008	2857	1090	82243181	20	3

CONFIRMATION NO. 4351

CORRECTED FILING RECEIPT



22879
HEWLETT-PACKARD COMPANY
Intellectual Property Administration
3404 E. Harmony Road
Mail Stop 35
FORT COLLINS, CO 80528

Date Mailed: 12/19/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Ludmila Cherkasova, Sunnyvale, CA;
Ningfang Mi, Williamsburg, VA;
Mehmet Kivanc Ozonat, Mountain View, CA;
Julie A. Symons, Santa Clara, CA;

Power of Attorney: The patent practitioners associated with Customer Number 022879

Domestic Priority data as claimed by applicant

This appln claims benefit of 61/048,157 04/25/2008

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

If Required, Foreign Filing License Granted: 10/29/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/250,748**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Using Application Performance Signatures For Characterizing Application Updates

Preliminary Class

702

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER**Title 35, United States Code, Section 184****Title 37, Code of Federal Regulations, 5.11 & 5.15****GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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**E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1122B
4417 LANCASTER PIKE
WILMINGTON DE 19805**

**MAILED
NOV 23 2010
OFFICE OF PETITIONS**

In re Application of	:	
Yaw-Ming A. TSAI et al.	:	
Application No. 12/250,759	:	DECISION ON PETITION
Effective Date: October 14, 2008	:	
Attorney Docket No. UC0764USNA	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 15, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application mailed October 29, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 30, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the oath/declaration and required fees; (2) the petition fee of \$1,620.00; and (3) a proper statement of unintentional delay. Accordingly, the reply to the Notice to File Missing Parts of October 29, 2008 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

This application is being referred to the Office of Patent Application Processing for further processing.

Michelle R. Eason
Paralegal Specialist
Office of Petitions



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/250,818	10/14/2008	Robert P. Morris	I532/US	4482
49277	7590	06/06/2011		
SCENERA RESEARCH, LLC				
5400 Trinity Road				
Suite 303				
Raleigh, NC 27607				
EXAMINER				
VU, KIM Y				
ART UNIT		PAPER NUMBER		
2435				
MAIL DATE		DELIVERY MODE		
06/06/2011		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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Kevin L. Wingate
SCENERA RESEARCH, LLC
5400 Trinity Road
Suite 303
Raleigh NC 27607

MAILED

JUN 03 2011

**DIRECTOR OFFICE
TECHNOLOGY CENTER 2400**

In re Application of: MORRIS, Robert P.
Application No. **12/250,818**
Filed: October 14, 2008
Docket No. I532/US
Title: METHOD AND SYSTEM FOR
PROCESSING A MEDIA STREAM

**DECISION ON PETITION FOR
SUSPENSION UNDER 37 C.F.R.
§ 1.103(a)**

This is a decision on petition for suspension of action by Office filed May 25, 2011 under 37 CFR § 1.103(a) for a period of SIX MONTHS. This request is accompanied by a showing of good and sufficient cause for the suspension of action, as well as the fee set forth in §1.17(g).

This petition is **GRANTED**.

Any inquiry regarding this decision should be directed the undersigned whose telephone number is (571) 272-3902. If attempts to reach the undersigned by telephone are unsuccessful, Kim Huynh, Quality Assurance Specialist, can be reached at (571) 272-4147.

/Beatriz Prieto/

Beatriz Prieto, Quality Assurance Specialist
Technology Center 2400,
Network, Multiplexing, Cable and Security



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F. CHAU & ASSOCIATES, LLC
130 WOODBURY ROAD
WOODBURY NY 11797

MAILED

JAN 26 2011

In re Application of	:	OFFICE OF PETITIONS
Jeffrey D. Brawner	:	
Application No. 12/251,027	:	DECISION ON PETITION
Filed: October 14, 2008	:	
Attorney Docket No. 8002A-264T(VIT)	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 3, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before June 24, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed March 24, 2010. Accordingly, the date of abandonment of this application is June 25, 2010. A Notice of Abandonment was mailed on July 13, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1,510 and the publication fee of \$300 and RCE, with fee of \$810 (2) the petition fee of \$1,620, and (3) a proper statement of unintentional delay. Accordingly, the issue and publication fees are accepted as being unintentionally delayed.

The payment of the issue and publication fee is required. As authorized the fees will be charged to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 3632 for appropriate action by the Examiner in the normal course of business on the RCE received January 3, 2011.

/Kimberly A. Inabinet/

Kimberly A. Inabinet
Petitions Examiner
Office of Petitions



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MICHAUD-Kinney Group, LLP
306 Industrial Park Road
Suite 206
Middletown, CT 06457

MAILED

OCT 26 2011

OFFICE OF PETITIONS

In re Application of
John J. Daniels
Application No. 12/251,046
Filed: October 14, 2008
Attorney Docket No. 1424-0012

NOTICE

This is a Notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28, filed on September 28, 2011.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. 1098 Off. Gaz. Pat. Office 502 (January 3, 1989). Therefore, nothing in this Notice is intended to imply that an investigation was done.

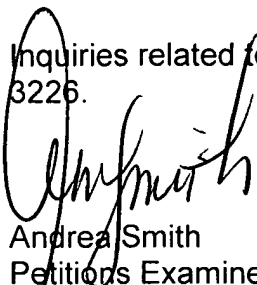
Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**. Therefore, status as a small entity has been removed and all future fees paid must be submitted at the large entity rate.

The "REVOCATION OF POWER OF ATTORNEY AND APPOINTMENT OF NEW ATTORNEY" filed on October 17, 2011, has not been accepted since petitioner failed to comply with the requirement of 37 CFR 3.73(b)¹. However, in accordance with 37 CFR 1.34(a), the signature of Bruce L. Adams appearing on the request shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he acts. Therefore, a courtesy copy of this

¹ 37 CFR 3.73(b) provides that: (1) when an assignee seeks to take action in a matter before the Office, the assignee must establish its ownership of the property to the satisfaction of the Commissioner; (2) ownership is established by submitting to the Office, in the Office file related to the matter in which action is sought to be taken, documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment submitted for recording) or by specifying (e.g., reel and frame number) where such evidence is recorded in the Office; (3) the submission establishing ownership must be signed by a party authorized to act on behalf of the assignee; and (4) documents submitted to establish ownership may be required to be recorded as a condition to permitting the assignee to take action in a matter pending before the Office.

decision is being mailed to petitioner. Thereafter, all future communications from the Office will be directed solely to the address of record unless otherwise instructed.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3226.

A handwritten signature in black ink, appearing to read "Andrea Smith", is written over the printed name and title.

Andrea Smith
Petitions Examiner
Office of Petitions

cc: Bruce L. Adams
Adams & Wilks
17 Battery Place - Suite 1231
New York, NY 10004



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/251,046	10/14/2008	John J. Daniels	1424-0012

CONFIRMATION NO. 4884

IMPROPER CPOA LETTER



49698
MICHAUD-Kinney Group LLP
306 INDUSTRIAL PARK ROAD
SUITE 206
MIDDLETOWN, CT 06457

Date Mailed: 10/21/2011

NOTICE REGARDING POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/17/2011. The Power of Attorney in this application is not accepted for the reason(s) listed below:

- The Power of Attorney is from an assignee and the Certificate required by 37 CFR 3.73(b) has not been received.

/amsmith/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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JAN 27 2012

OFFICE OF PETITIONS

BiPar Sciences Inc. c/o Morrison & Foerster LLP
755 Page Mill Road
Palo Alto CA 94304

In re Application of :
Hood et al. :
Application No. 12/251,061 : LETTER REGARDING
Filed: October 14, 2008 : PATENT TERM ADJUSTMENT
Attorney Docket No. 686472000721 :
Title: USE OF BI-ARYL META- :
PYRIMIDINE INHIBITORS OF KINASES :
N :

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR § 1.705," filed January 19, 2012. Applicants request that the patent term adjustment indicated on the Notice of Allowance and Issue Fee Due be corrected from one hundred and nineteen (119) days to one hundred and sixty-five (165) days.

The request for reconsideration of the patent term adjustment is **GRANTED**.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is **one hundred and sixty-five (165) days**. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

A Notice of Allowance and Issue Fee Due was mailed on October 20, 2011, with an indication that the patent term adjustment to date was 119 days.

Applicants have disputed one period of delay: the 46-day reduction associated with the filing of a supplemental response on August 26, 2011. 37 CFR § 1.704(c)(8) indicates that the submission of a supplemental reply, other than a supplemental reply expressly requested by the examiner, after a reply has been filed, will result in a period of adjustment set forth in

§ 1.703, and the reduction will constitute the number of days, if any, beginning on the day after the date the initial reply was filed and ending on the date that the supplemental reply or other such paper was filed.

A non-final Office action was mailed on January 13, 2011, and a response was received on July 11, 2011 along with a three-month extension of time so as to make timely the response. A supplemental response was subsequently received on August 26, 2011, which resulted in a reduction of 46 days, pursuant to 37 CFR § 1.704(c)(8). Applicants have asserted that this reduction was improper, as the submission "had been expressly requested by the Examiner in a telephonic interview held on August 22, 2011 and confirmed by Examiner Interview Summary Record mailed on August 26, 2011."¹ It is noted that the Examiner mailed an Interview Summary on August 26, 2011, which confirms that "Examiner recommends that the applicants file an additional IDS statement...[t]his will assist in putting the application in better condition for allowance."

The record supports a conclusion that any patent issuing from this patent is not subject to a terminal disclaimer.

Applicants' argument has been considered and has been found to be persuasive.

The reduction of 46 days has been removed, and a reduction of 0 days has been entered.

In view thereof, the correct patent term adjustment at the time of the mailing of the notice of allowance is one hundred and sixty-five (165) days (254 days of Office delay minus 89 days of Applicant delay).

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

Applicants are reminded that any delays by the Office pursuant to 37 CFR 1.702(a)(4) and 1.702(b) and any applicant delays under 37 CFR 1.704(c)(10) will be calculated at the time of the issuance of the patent and applicants will be notified of the revised patent term adjustment to be indicated on the patent in

¹ Petition, page 2. See also page 3.

the Issue Notification letter that is mailed to applicants approximately three weeks prior to issuance.

The Office of Data Management has been advised of this decision. This matter is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries regarding this matter should be directed to Senior Attorney Paul Shanowski at (571) 272-3225.

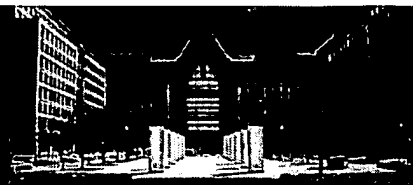
A handwritten signature in cursive script, appearing to read "Paul Shanowski", is written over a horizontal line.

Paul Shanowski
Senior Attorney
Office of Petitions

Enclosure: Copy of updated PAIR screen



Patent Term Adjustments



PTA/PTE Information Patent Term Adjustment Patent Term Extension

Application Number*: 12251061

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[Explanation of PTA Calculation](#)

[Explanation of PTE Calculation](#)

PTA Calculations for Application: 12251061

Application Filing Date	10/14/2008	Overlapping Days Between (A and B) or (A and C)	0
Issue Date of Patent		Non-Overlapping USPTO Delays	254
A Delays	254	PTO Manual Adjustment	46
B Delays	0	Applicant Delay (APPL)	135
C Delays	0	Total PTA (days)	165

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
92	01/23/2012		P028	Adjustment of PTA Calculation by PTO	46	0	
81	10/20/2011		MN/=	Mail Notice of Allowance		0	
80	10/17/2011		OAR	Office Action Review		0	
79	10/17/2011		IREV	Issue Revision Completed		0	
78	10/17/2011		DVER	Document Verification		0	
77	10/17/2011		N/=	Notice of Allowance Data Verification Completed		0	
76	10/11/2011		CNTA	Allowability Notice		0	
75	10/02/2011		FWDX	Date Forwarded to Examiner		0	
74	09/29/2011		A.NE	Amendment after Final Rejection		0	
73	09/26/2011		MEXIA	Mail Applicant Initiated Interview Summary		0	
72	09/20/2011		OAR	Office Action Review		0	
71	09/19/2011		EXIA	Interview Summary- Applicant Initiated		0	
70	09/15/2011		ELC_RVW	Electronic Review		0	
68	09/15/2011		EML_NTF	Email Notification		0	
67	09/15/2011		MCTFR	Mail Final Rejection (PTOL - 326)		0	
66	09/12/2011		OAR	Office Action Review		0	
65	09/11/2011		CTFR	Final Rejection		0	
69	08/26/2011	07/11/2011	M844	Information Disclosure Statement (IDS) Filed	46	53	
64	08/26/2011		IDSC	Information Disclosure Statement considered		0	
62	08/26/2011		WIDS	Information Disclosure Statement (IDS) Filed		0	
61	08/26/2011		EML_NTR	Email Notification		0	
60	08/26/2011		MEXIN	Mail Examiner Interview Summary (PTOL - 413)		0	
59	08/22/2011		OAR	Office Action Review		0	
58	08/22/2011		OAR	Office Action Review		0	
57	08/22/2011		EXIE	Interview Summary - Examiner Initiated		0	
56	08/22/2011		EXIN	Examiner Interview Summary Record (PTOL - 413)		0	
54	07/28/2011		FWDX	Date Forwarded to Examiner		0	
63	07/11/2011		IDSC	Information Disclosure Statement considered		0	
53	07/11/2011	04/13/2011	A...	Response after Non-Final Action	89	41	
52	07/11/2011		XT/G	Request for Extension of Time - Granted		0	
51	07/11/2011		CFRPT	Corrected filing receipt		0	
50	07/11/2011		RCAP	Reference capture on IDS		0	
49	07/11/2011		M844	Information Disclosure Statement (IDS) Filed		0	
48	07/11/2011		WIDS	Information Disclosure Statement (IDS) Filed		0	
47	06/23/2011		EML_NTR	Email Notification		0	
46	06/23/2011		MEXIN	Mail Examiner Interview Summary (PTOL - 413)		0	
45	06/17/2011		OAR	Office Action Review		0	
44	06/17/2011		EXIN	Examiner Interview Summary Record (PTOL - 413)		0	
43	01/13/2011		ELC_RVW	Electronic Review		0	
42	01/13/2011		EML_NTF	Email Notification		0	
41	01/13/2011		MCTNF	Mail Non-Final Rejection		0	
40	01/11/2011		CTNF	Non-Final Rejection		0	
34	11/29/2010		FWDX	Date Forwarded to Examiner		0	
35	11/23/2010		IDSC	Information Disclosure Statement considered		0	
33	11/23/2010		ELC	Response to Election / Restriction Filed		0	
32	11/23/2010		XT/G	Request for Extension of Time - Granted		0	
31	11/23/2010		RCAP	Reference capture on IDS		0	
30	11/23/2010		M844	Information Disclosure Statement (IDS) Filed		0	
29	11/23/2010		WIDS	Information Disclosure Statement (IDS) Filed		0	
28	10/22/2010		PA..	Change in Power of Attorney (May Include Associate POA)		0	
27	10/21/2010		C.AD	Correspondence Address Change		0	
26	08/25/2010		ELC_RVW	Electronic Review		0	
25	08/25/2010		EML_NTF	Email Notification		0	
24	08/25/2010	12/14/2009	MCTRS	Mail Restriction Requirement	254	0.5	
23	08/20/2010		CTRS	Restriction/Election Requirement		0	
21	11/20/2009		EML_NTR	Email Notification		0	
20	11/19/2009		PG-ISSUE	PG-Pub Issue Notification		0	
19	05/07/2009		DOCK	Case Docketed to Examiner in GAU		0	
18	02/03/2009		TSSCOMP	IFW TSS Processing by Tech Center Complete		0	
15	12/30/2008		EML_NTR	Email Notification		0	
13	12/30/2008		FLRCPT.U	Filing Receipt - Updated		0	
14	12/29/2008		OIPE	Application Dispatched from OIPE		0	
22	12/18/2008		IDSC	Information Disclosure Statement considered		0	
17	12/18/2008		RCAP	Reference capture on IDS		0	
16	12/18/2008		M844	Information Disclosure Statement (IDS) Filed		0	
12	12/18/2008		FLFEE	Payment of additional filing fee/Preexam		0	

11	12/18/2008	OATHDECL	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applicant	0
10	12/18/2008	CORRDRW	Applicant has submitted new drawings to correct Corrected Papers problems	0
9	12/18/2008	WIDS	Information Disclosure Statement (IDS) Filed	0
8	10/30/2008	ELC_RVW	Electronic Review	0
7	10/30/2008	EML_NTF	Email Notification	0
6	10/30/2008	EML_NTR	Email Notification	0
5	10/30/2008	INCD	Notice Mailed--Application Incomplete--Filing Date Assigned	0
4	10/30/2008	FLRCPT.O	Filing Receipt	0
3	10/16/2008	L194	Cleared by OIPE CSR	0
2	10/14/2008	SCAN	IPW Scan & PACR Auto Security Review	0
1	10/14/2008	IEXX	Initial Exam Team nn	0
0.5	10/14/2008	EFILE	Filing date	0

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TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS, TX 75265

MAILED

MAY 03 2011

OFFICE OF PETITIONS

In re Application of	:	
Tsfaty et al.	:	
Application No. 12/251,079	:	DECISION ON PETITION
Filed: October 14, 2008	:	
Attorney Docket No. TI-64896	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 12, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed September 30, 2010 which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 31, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee of \$1,620, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6059.

This application is being referred to Technology Center AU 2464 for appropriate action by the Examiner in the normal course of business on the reply received April 12, 2011.

Alicia Kelley-Collier
Petitions Examiner
Office of Petitions



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RISSMAN HENDRICKS & OLIVERIO, LLP
100 CAMBRIDGE STREET
SUITE 2101
BOSTON MA 02114

MAILED
OCT 18 2011
OFFICE OF PETITIONS

In re Application of :
Fleischmann et al. :
Application No. 12/251,104 : **DECISION ON PETITION**
Filed: October 14, 2008 :
Attorney Docket No. H003-7006US0 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 8, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, March 17, 2011, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on June 20, 2011. A Notice of Abandonment was mailed October 5, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment; (2) the petition fee of \$1,860.00, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to Technology Center AU 1743 for appropriate action by the Examiner in the normal course of business on the reply received.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions



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Patent No. : 7,933,122 B2
Serial No. : 12/251,161
Inventor(s) : Curtis R. Richardson, et. al.
Issued : April 26, 2011

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322.

Respecting the alleged errors in column 16 lines 54 and 58, claims 35 and 36 cannot depend on claim 37, per say Examiner.

In view of the foregoing, your request in this matter is hereby denied.

A certificate of correction will issue to correct the remaining errors noted in your request.

Further correspondence concerning this matter should be filed and directed to Decisions and Certificates of Correction Branch. Any response must be filed within a four week period with the sum of \$100.00

Eva James
For Mary Diggs
Decisions & Certificate
of Correction Branch
(571-272-3422 or 703-756-1580)

Kelly Frazier
Otter Products LLC
401 West Mountain Ave., Suite 200
Fort Collins, CO 80521

eJ.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ARENT FOX LLP
1050 CONNECTICUT AVENUE NW, SUITE 400
WASHINGTON, DC 20036

MAILED

JAN 24 2011

OFFICE OF PETITIONS

In re Application of
Hiroki UCHIDA, et al.
Application No. 12/251,172
Filed: October 14, 2008
Attorney Docket No. **10126-00021**

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:
:

DECISION GRANTING PETITION
UNDER 37 CFR 1.313(c)(2)

This is a decision on the renewed petition under 37 CFR 1.313(c)(2), filed January 20, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on December 29, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2835 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica Graves/
Petitions Examiner, Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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www.uspto.gov

William N. Beckon
1700 Madrone Ln
Davis, CA 95618

MAILED

JUL 15 2011

OFFICE OF PETITIONS

In re Application of
William Nelson Beckon
Application No. 12/251,314
Filed: October 14, 2008
Attorney Docket No. N/A

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed June 16, 2011, to revive the above-identified application, which is being treated as a petition under 37 CFR 1.181 (no fee), to withdraw the holding of abandonment in the above-identified application¹.

This application was held abandoned for failure to file a reply to the non-final Office action mailed May 14, 2010, which set a shortened statutory period for reply of three (3) months. Since no extensions of time under the provisions of 37 CFR 1.136(a) was obtained, the application became abandoned after midnight on August 14, 2010. A Notice of Abandonment was mailed on November 26, 2010.

Petitioner states "I checked for mail at the U.S. Embassy and the Fulbright Office in Kyiv the day before I left Ukraine on July 19, so I know that the notice from the USPTO had not reached those offices by that time. When it did reach the U.S. Embassy in Kyiv, eventually it was sent on the Fulbright Office in Kyiv, which held it until they accumulated a large batch of my mail, and then sent it as a parcel by surface mail to my U.S. (current) address. The result of all this was that I did not receive this crucial notification from the USPTO until long after the expiration of the 3 month "statutory period for reply". Thus, I was unable to file a timely reply. Furthermore, the rejection of my claims is clearly without merit, as I will point out in detail when my abandonment of my application is rescinded. For these reasons, I request a waiver of the fee for the petition for revival of my application."

It is noted that petitioner states that the Office action dated May 14, 2010, was delayed in reaching him and as a result, he did not receive his mail "until long after the expiration of the 3 month "statutory period for reply." However, no evidence of this delay has been submitted; and even if submitted, a review of the official file record shows that the Office action was mailed on May 14, 2010, to petitioner's current U.S. home address. Therefore, petitioner must submit evidence to show that the U.S. Postal Service/U.S. Embassy in Kyiv caused the delay that prevented petitioner from timely responding to the Office action.

In view of the above, the present petition is **dismissed**.

¹ Since no petition fee was submitted with the present petition and since petitioner requests waiver of the petition fee, this petition is properly being treated as a petition under 37 CFR 1.181.

Any request for reconsideration of this decision should be submitted within **two (2) months** from the mail date of this decision and be entitled "Renewed Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181." See 37 CFR 1.181(f).

ALTERNATE VENUE

If petitioner cannot produce the necessary evidence to withdraw the holding of abandonment or simply does not wish to, an unintentional petition to revive under 37 CFR 1.137(b) along with the \$810 petition fee and a reply to the Office action of May 14, 2010, may be filed. The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

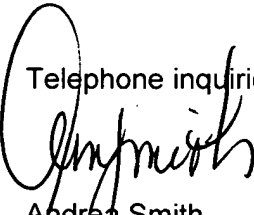
Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By FAX: (571) 273-8300
 Attn: Office of Petitions

By hand: Customer Service Window
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3226.



Andrea Smith
Petitions Examiner
Office of Petitions



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

William N. Beckon
1700 Madrone Ln
Davis, CA 95618

MAILED

NOV 07 2011

OFFICE OF PETITIONS

In re Application of
William Nelson Beckon
Application No. 12/251,314
Filed: October 14, 2008
Attorney Docket No. N/A

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.181, filed September 9, 2011, to withdraw the holding of abandonment in the above-identified application.

The petition is again **dismissed**.

A review of the record shows that a non-final Office action was mailed May 14, 2010, which set a three month period for reply, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on August 15, 2010. A Notice of Abandonment was mailed on November 26, 2010.

Petitioner argues that once the Office action reached the U.S. Embassy in Kyiv and was forwarded to the Fulbright Office in Kyiv, it was long after the expiration of the three months period for reply. In support of this argument, petitioner provided a letter from a Director of Institute of International Education, Ukraine, Fulbright Program in Ukraine.

While it is noted that petitioner states that the Office action dated May 14, 2010, was delayed in reaching him in the U.S., neither the present petition nor the evidence presented indicates when the Office action was actually received by petitioner. Even if a date of receipt of the Office action is provided, a review of the official file record fails to indicate that the United States Patent and Trademark Office (USPTO) caused the delay that prevented petitioner from responding timely to the Office action.

Further, extensions of time under the provisions of 37 CFR 1.136 was available. Petitioner could have purchased up to three months to carry the response due date until

November 14, 2010. Since no extension of time was purchased and no response was filed by November 14, 2010, this application was properly held abandoned.

Petitioner is encouraged to file an unintentional petition under 37 CFR 1.137(b) along with the \$930 petition fee and a reply to the Office action of May 14, 2010. The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

Any request for reconsideration of this decision should be submitted within **two (2) months** from the mail date of this decision and be entitled "Renewed Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181." See 37 CFR 1.181(f).

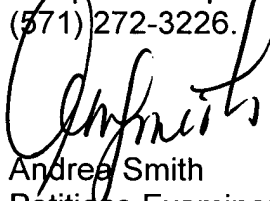
Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By FAX: (571) 273-8300
 Attn: Office of Petitions

By hand: Customer Service Window
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3226.



Andree Smith
Petitions Examiner
Office of Petitions



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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/251,345	10/14/2008	Kazuhiko YOSHIZAWA	16869N-071020US	5408
20350 7590 03/22/2011 KILPATRICK TOWNSEND & STOCKTON LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			EXAMINER CHIN, VIVIAN C	
			ART UNIT 2614	PAPER NUMBER
			NOTIFICATION DATE 03/22/2011	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Docket@kilpatricktownsend.com
ipefiling@kilpatricktownsend.com
jlhice@kilpatrick.foundationip.com



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KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

In re Application of	:	
YOSHIZAWA, KAZUHIKO, et al.	:	DECISION ON REQUEST TO
Application No. 12/251,345	:	PARTICIPATE IN PATENT
Filed: October 14, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 16869N-071020US	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed January 27, 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition is deficient as follows:

Petitioner has not complied with item 2 above. An English translation of allowed/patentable claims from JP Application No. 2007-10957 has been submitted, but a copy of the actual allowable/patentable claims from JP Application No. 2007-10957 has not been submitted.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Any response to this decision must be submitted via EFS-web.

Telephone inquiries concerning this decision should be directed to Doris To at 571-272-7629.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

Pursuant to the "Notice regarding the Elimination of the Fee for Petition to Make Special Filed Under the Patent Prosecution Highway (PPH) Programs" published in the Federal Register on May 25, 2010 (75 Fed. Reg. 29312), the fee under 37 CFR 1.17(h) for the petition to make special under the Patent Prosecution Highway (PPH) programs has been eliminated. The application is being forwarded to the TC Tech Support Staff to process a refund of \$130.00.

/Doris To/

Doris To
Quality Assurance Specialist
Technology Center 2600
Communications



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United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/251,345	10/14/2008	Kazuhiko YOSHIZAWA	86889-759476(071020US)	5408
20350 7590 04/18/2011 KILPATRICK TOWNSEND & STOCKTON LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			EXAMINER KURR, JASON RICHARD	
			ART UNIT 2614	PAPER NUMBER
			NOTIFICATION DATE 04/18/2011	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Docket@kilpatricktownsend.com
ipefiling@kilpatricktownsend.com
jlhice@kilpatrick.foundationip.com



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KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

In re Application of	:	
YOSHIZAWA, KAZUHIKO et al.	:	DECISION ON REQUEST TO
Application No. 12/251,345	:	PARTICIPATE IN PATENT
Filed: October 14, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No.	:	PROGRAM AND PETITION
86889-759476(071020US)	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed April 13, 2011 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition now comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Doris To at 571-272-7629.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application will be forwarded to the examiner for action on the merits commensurate with this decision.

/Doris To/

Doris To
Quality Assurance Specialist
Technology Center 2600
Communications



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date April 20, 2012

In re Application of Gilbert Masters

Application No. 12251449

Filed: 14-Oct-2008

DECISION ON PETITION

UNDER CFR 1.137(b)

Attorney Docket No. MARC-100u

This is an electronic decision on the petition under 37 CFR 1.137(b), April 20, 2012, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the outstanding Office communication. The date of abandonment is the day after the last day of the period set for reply in the Office action plus any applicable extensions of time properly requested.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a response; (2) the petition fee as set forth in 37 CFR 1.17 (m); and (3) the required statement of unintentional delay have been received. Accordingly, the response is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Technology Center.

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	
Application Number	12251449	
Filing Date	14-Oct-2008	
First Named Inventor	Gilbert Masters	
Attorney Docket Number	MARC-100u	
Title	Electrical Energy Usage Monitoring System	
<p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.</p> <p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <p>(1) Petition fee;</p> <p>(2) Reply and/or issue fee;</p> <p>(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and</p> <p>(4) Statement that the entire delay was unintentional</p>		
Petition Fee <input type="radio"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27. <input type="radio"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2). <input checked="" type="radio"/> Applicant(s) status remains as SMALL ENTITY. <input type="radio"/> Applicant(s) status remains as other than SMALL ENTITY.		
2. Reply and/or fee <input type="radio"/> I certify, in accordance with 37 CFR 1.4(d)(4) that the amendment and response have already been filed in the above-identified application on <input checked="" type="radio"/> Amendment and response are attached RCE request, submission, and fee. <input type="radio"/> I certify, in accordance with 37 CFR 1.4(d)(4) that the RCE Request, Submission, and Fee have already been filed in the above-identified application on <input type="radio"/> RCE Request, Submission, and Fee are attached		
Notice of Appeal		

☐ I certify, in accordance with 37 CFR 1.4(d)(4) that the Notice of Appeal and Fee have already been filed in the above-identified application on

☐ Notice of Appeal and Fee are attached

3. Terminal Disclaimer is not required, since the Electronic Petition format is not support for Design applications and applications filed before June 8, 1995. Please file using regular petition format for review by the Office of Petitions.

☒ STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.

☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.

☐ A sole inventor

☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors

☐ A joint inventor; all of whom are signing this e-petition

☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Sherman D. Pernia/
Name	Sherman D Pernia
Registration Number	34404



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/251,493	10/15/2008	Thomas Osche	66711032 / 06.103P-US	5715
25005	7590	12/12/2011	EXAMINER	
Intellectual Property Dept. Dewitt Ross & Stevens SC 2 East Mifflin Street Suite 600 Madison, WI 53703-2865			LAVERT, NICOLE F	
			ART UNIT	PAPER NUMBER
			3762	
			NOTIFICATION DATE	DELIVERY MODE
			12/12/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket-ip@dewittross.com



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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Intellectual Property Dept.
Dewitt Ross & Stevens SC
2 East Mifflin Street
Suite 600
Madison WI 53703-2865

In re Application of:
OSCHE, THOMAS
Serial No. 12/251,493
Filed: Oct. 15, 2008
Docket: 66711032 / 06.103P-US

Title: DEVICE FOR DETERMINING AN
AFTERCARE APPOINTMENT FOR
THE SUPPLY OF AN
IMPLANTABLE MEDICAL DEVICE

DECISION ON PETITION
UNDER 37 CFR § 1.181

This is a decision on the petition filed on November 28, 2011 by which petitioner requests reconsideration and withdrawal of the restriction requirement mailed June 24, 2011, and that non-elected claim 18 be rejoined and examined on the merits. This petition is being considered pursuant to 37 CFR 1.144 and 37 CFR 1.181, and no fee is required.

The petition is granted.

In finding petitioner's points of argument persuasive and after consulting with the examiner, the requested relief is granted. The restriction requirement mailed on June 24, 2011 is hereby withdrawn. Non-elected claim 18 will be rejoined with the elected invention as set forth in claims 1-17. The examiner will issue an Office action to rejoin and treat the non-elected claim 18 on the merits after the applicant files a response to the outstanding Office action of September 26, 2011.

The application is being forwarded to the examiner via Supervisory Patent Examiner of Art Unit 3762 awaiting a response to the outstanding Office action. Any inquiry regarding this decision should be directed to Henry C. Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION GRANTED.

Angela D. Sykes, Director
Technology Center 3700

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 12/14/10 Paper No.: _____
TO SPE OF : ART UNIT 3616 *c of c mailroom date* 11/30/10
SUBJECT : Request for Certificate of Correction for Appl. No.: 12/25/555 Patent No.: 7815000 B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Virginia Tolbert

Certificates of Correction Branch

571-272-0460

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes do not apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

APPROVED

/Paul N. Dickson/

AU 3616



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/251,566	10/15/2008	Masahiko KATAYAMA	ONKYP0143US	5840
<div>43076 7590 09/28/2010</div> <div>MARK D. SARALINO (GENERAL)</div> <div>RENNER, OTTO, BOISSELLE & SKLAR, LLP</div> <div>1621 EUCLID AVENUE, NINETEENTH FLOOR</div> <div>CLEVELAND, OH 44115-2191</div>				
<div>EXAMINER</div> <div>BEHM, HARRY RAYMOND</div>				
<div>ART UNIT PAPER NUMBER</div> <div>2838</div>				
<div>MAIL DATE DELIVERY MODE</div> <div>09/28/2010 PAPER</div>				

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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Commissioner for Patents
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**MARK D. SARALINO (GENERAL)
RENNER, OTTO, BOISSELLE & SKLAR, LLP
1621 EUCLID AVENUE, NINETEENTH FLOOR
CLEVELAND OH 44115-2191**

In re Application of	:	DECISION ON REQUEST TO
Masahiko KATAYAMA	:	PARTICIPATE IN PATENT
Application No. 12/251,566	:	PROSECUTION HIGHWAY
Filed: 15 October 2008	:	PILOT PROGRAM AND PETITION
Attorney Docket No. ONKYP0143US	:	TO MAKE SPECIAL UNDER
For: AUDIO APPARATUS,	:	37 CFR 1.102(d)
SWITCHING POWER SUPPLY,		
AND SWITCHING CONTROL		
METHOD		

A decision dismissing the petition to make the above-identified application special for participation in the Patent Prosecution Highway (PPH) pilot program under 37 CFR 1.102(d), was mailed on 9 June 2010. The decision set a non-extendable time period of ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing date to corrected deficiency/deficiencies in the petition.

As of 15 September 2010, neither a reply nor a renewed petition has been received. Accordingly, the application is no longer eligible for the Patent Prosecution Highway (PPH) program.

The application will remain in its regular status and will be taken up by the examiner for action in its regular turn.

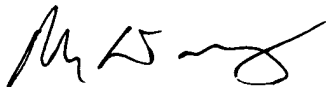
Petitioner is reminded that a single opportunity to perfect the petition is given. Therefore, further petitions for participation in the Patent Prosecution Highway (PPH) pilot program in this application will not be entertained.

Response must be faxed to Michael Day at 571-273-1568.

Telephone inquiries concerning this decision should be directed to Michael Day at 571-272-1568.

Application Serial No.: 12/666,222
Decision on Petition

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://uspto.gov/ebc/index.html>.

A handwritten signature in black ink, appearing to read 'Michael Day', with a stylized flourish at the end.

Michael Day
TQAS
Technology Center 2800- Semiconductors,
Electrical & Optical Systems & Components

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 4/26/11

TO SPE OF : ART UNIT 1624

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/251,572 Patent No. 7,754,713

CofC mailroom date 4/20/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Ernest C. White, LIE

Certificates of Correction Branch
703-756-1814 _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

☐ **Approved in Part**

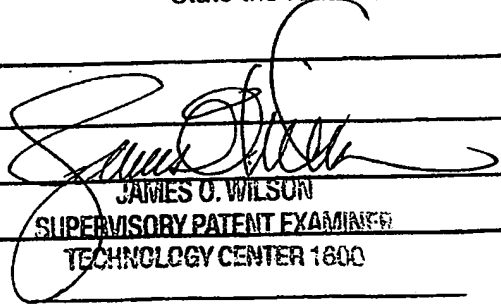
☐ **Denied**

All changes apply.

Specify below which changes **do not** apply.

State the reasons for denial below.

Comments: _____


JAMES O. WILSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

SPE

1624
Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 4/26/11

TO SPE OF : ART UNIT 1624

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/251,572 Patent No. 7,754,713

CofC mailroom date 4/20/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Ernest C. White, LIE

Certificates of Correction Branch
703-756-1814 _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

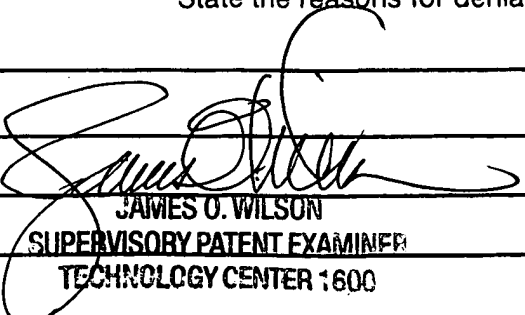
☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____


JAMES O. WILSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

SPE

1624
Art Unit



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000**

MAILED

JUL 19 2011

In re Application of
Daniel J. Cosgrove
Application No. 12/251,578
Filed: October 15, 2008
Attorney Docket No. 1883D

OFFICE OF PETITIONS

DECISION ON PETITION
TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed June 24, 2011, which is being treated as a request to withdraw from employment in a proceeding before the Office under 37 C.F.R. § 10.40.

The request is **DISMISSED**.

A review of the file record indicates that Alston & Bird LLP, customer number 00826, does not have power of attorney in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

The request to change the correspondence address of record is not accepted in view of Alston & Bird LLP not having power of attorney. See MPEP §§ 601.03 and 405.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Currently, there is an outstanding Office action mailed June 9, 2011 that requires a reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

cc: PIONEER HI-BRED INTERNATIONAL, INC.
7250 N.W. 62ND AVENUE
P.O. BOX 552
JOHNSTON IA 50131-0552



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/251,601	10/15/2008	Jose V. Re	1405-042	5895
32905 7590 06/20/2011 JONDLE & ASSOCIATES, P.C. 858 HAPPY CANYON ROAD, SUITE 230 CASTLE ROCK, CO 80108			EXAMINER IBRAHIM, MEDINA AHMED	
			ART UNIT	PAPER NUMBER
			1638	
			NOTIFICATION DATE	DELIVERY MODE
			06/20/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com



UNITED STATES PATENT AND TRADEMARK OFFICE

JUN 20 2011

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 Alexandria, VA 22313-1450
www.uspto.gov

JONDLE & ASSOCIATES P.C.
 858 HAPPY CANYON ROAD SUITE 230
 CASTLE ROCK CO 80108

In re Application of: :
 Jose V. Re :
 Serial No.: 12/251,601 : PETITION DECISION
 Filed: October 15, 2008 :
 Attorney Docket No.: 1405-042

This is in response to the petition under 37 CFR § 1.59(b), filed April 27, 2011, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on April 27, 2011, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

Marianne C. Seidel
 Quality Assurance Specialist
 Technology Center 1600



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/251,601	10/15/2008	Jose V. Re	1405-042	5895
32905 7590 02/06/2012 JONDLE & ASSOCIATES, P.C. 858 HAPPY CANYON ROAD, SUITE 230 CASTLE ROCK, CO 80108			EXAMINER IBRAHIM, MEDINA AHMED	
			ART UNIT 1638	PAPER NUMBER
			NOTIFICATION DATE 02/06/2012	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com



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FEB 06 2012

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Alexandria, VA 22313-1450
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JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

In re Application of:

Jose V. Re

Serial No.: 12/251,601

Filed: October 15, 2008

Attorney Docket No.: 1405-042

:
:
:
:
:

: PETITION DECISION

This is in response to the renewed petition under 37 CFR § 1.59(b), filed January 24, 2012, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the material submitted to the Patent Office on April 27, 2011 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600



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U.S. ARMY RDECOM-ARDEC
Attn: Lori Andrews
RDAR-GCL / BLDG 3
PICATINNY ARSENAL, DOVER NJ 07806-5000

MAILED

JAN 10 2011

OFFICE OF PETITIONS

In re Application of :
Ernest Baker et al. :
Application No. 12/251,611 : **DECISION ON PETITION**
Filed: October 15, 2008 :
Attorney Docket No. 2008-010 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 21, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee on or before December 20, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed September 20, 2010. Accordingly, the date of abandonment of this application is December 21, 2010. A Notice of Abandonment was mailed on December 28, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1,510, (2) the petition fee of \$1,620, and (3) a proper statement of unintentional delay. Accordingly, the issue fee is accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Office of Data Management for further processing into a patent.

/Kimberly A. Inabinet/

Kimberly A. Inabinet
Petitions Examiner
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/251,688	10/15/2008	Oshri Even Zohar	MK004-CON	6056
24222	7590	04/22/2011		
Vern Maine & Associates 547 AMHERST STREET, 3RD FLOOR NASHUA, NH 03063-4000				
EXAMINER DOUGHERTY, SEAN PATRICK				
ART UNIT		PAPER NUMBER		
3736				
NOTIFICATION DATE		DELIVERY MODE		
04/22/2011		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@vernmaine.com
jjudkins@vernmaine.com



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Douglas P. Burum
VERN MAINE & ASSOCIATES
547 Amherst St., 3rd Floor
Nashua, NH 03063-4000

In re Application of:
Oshri ZOHAR et al.
Appl. No.: 12/251688
Filed: October 15, 2009
For: METHOD FOR REAL TIME INTERACTIVE
VISUALIZATION OF MUSCLE FORCES
AND JOINT TORQUES IN THE HUMAN
BODY

**DECISION ON PETITION
C.F.R. 1.84(a)(2) TO ACCEPT
COLOR DRAWINGS**

This is a decision on the petition filed on 11/13/2008 by which petitioners request acceptance of color drawings. The petition is considered pursuant to 37 CFR 1.181, and no fee is required.

The petition requests that the color drawings, although not specifically identified but noted as, Figs. 1A-1E and Fig. 2 be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. § 1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), three (3) sets of the color drawings in question, a black and white photocopy of said drawings, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"the file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was filed with the required fee and 3 (three) sets of color drawings of Figs. 1A-1E and Fig. 2. The specification at page 6, p.[0015] did contain the required notification described above.

The petition is **GRANTED**.

The application file is being forwarded to Central files to await examination based upon its filing date.

/Max Hindenburg/ S.P.E.
Technology Center 3700



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Greenberg Traurig, LLP
77 West Wacker Drive
Suite 3100
Chicago, IL 60601-1732

MAILED

APR 13 2011

PCT LEGAL ADMINISTRATION

In re Application of
McGinley, James W.
Application No.: 12/251,882
Filed: October 15, 2008
Attorney Docket No.: 113005.010400
For: ENERGY SAVING CABLE
ASSEMBLIES

DECISION ON PETITION

This decision is issued in response to applicant's "Petition to Accept Priority Claim under 35 U.S.C. 120" filed February 17, 2011 to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed concurrently with the instant petition.

The petition is **DISMISSED as moot**.

A petition under 37 CFR § 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000.

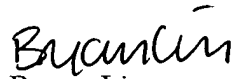
The petition was accompanied by an amendment to the first sentence of the specification following the title to include a reference to the prior-filed applications.

A review of the application file reveals that a proper reference to U.S. application number 12/176,261 and 12/127,592 was made in the first paragraph of the specification filed on October 15, 2008.

In view of the above, the petition fee submitted is unnecessary and will be refunded to petitioner's deposit account in due course.

Any questions concerning this matter may be directed to Anthony Smith at (571) 272-3298. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to the Examiner of Technology Center AU 2835 for appropriate action on the amendment filed February 17, 2011, including consideration of the claim under 35 U.S.C. § 120 and 37 CFR 1.78(a)(2) for benefit of the prior-filed application.



Bryan Lin
Legal Examiner
PCT Legal Administration



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Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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Michael B. Martin
Patent and Licensing Department
Nalco Company
1601 West Diehl Road
Naperville IL 60563-1198

MAILED

MAY 09 2011

OFFICE OF PETITIONS

In re Application of	:	
Merle L. Branning	:	
Application No. 12/251,954	:	DECISION ON PETITION
Filed: October 15, 2008	:	
Attorney Docket No. 8410	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 25, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, September 15, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 16, 2010. The Notice of Abandonment was mailed March 22, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1,620, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 1761 for appropriate action by the Examiner in the normal course of business on the reply received.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions



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PIETRAGALLO GORDON ALFANO BOSICK & RASPANTI, LLP
ONE OXFORD CENTRE, 38TH FLOOR
301 GRANT STREET
PITTSBURGH PA 15219-6404

MAILED
AUG 15 2011
OFFICE OF PETITIONS

In re Application of	:
MA et al.	:
Application No. 12/252,022	: DECISION ON PETITION
Filed: October 15, 2008	: UNDER 37 CFR 1.78(a)(3)
Docket No. STL 3596 (SEAG-88625)	:

This is a decision on the petition under 37 CFR 1.78(a)(3), filed July 7, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed with the petition.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

The rule at 37 CFR § 1.78(a)(3) requires a statement that the entire delay between the date the claim was due under 37 CFR § 1.78(a)(2)(ii) and the date the claim was filed was unintentional.

Since the statement appearing in the petition varies from the required language, the statement is being construed as the statement required by 37 CFR §1.78(a)(3). If this is not a correct reading of the statement appearing in the petition, petitioner should promptly notify the Office.

Also, it is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

In regards to item (2), the rules and statutory provisions governing the operations of the U.S. Patent and Trademark Office require payment of a fee on filing each petition under 37 CFR 1.78(a)(3) to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application. In this instance, the fee required by law is \$1410.00. Petitioner's Deposit Account No. 50- 0859 has been charged \$1410.00 as authorized in the petition.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional applications, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Jose' G Dees at (571) 272-1569. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 1724 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed application.

A handwritten signature in black ink, appearing to read 'David Bucci', is written over the printed name.

David Bucci
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/252,022	10/15/2008	1724	1090	STL 3596 (SEAG-88625)	18	2

CONFIRMATION NO. 6630

CORRECTED FILING RECEIPT



0000000049323419

35810
PIETRAGALLO GORDON ALFANO BOSICK & RASPANTI, LLP
ONE OXFORD CENTRE, 38TH FLOOR
301 GRANT STREET
PITTSBURGH, PA 15219-6404

Date Mailed: 08/15/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Xiaoding Ma, Fremont, CA;
Jing Gui, Fremont, CA;
Michael Joseph Stirniman, Fremont, CA;
Thomas Nolan, Fremont, CA;

Assignment For Published Patent Application

Seagate Technology LLC, Scotts Valley, CA

Power of Attorney: The patent practitioners associated with Customer Number 35810

Domestic Priority data as claimed by applicant

This application is a CIP of 11/249,469 10/14/2005

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

If Required, Foreign Filing License Granted: 10/28/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/252,022**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

MULTI-STEP ETCH PROCESS FOR GRANULAR MEDIA

Preliminary Class

204

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER**Title 35, United States Code, Section 184****Title 37, Code of Federal Regulations, 5.11 & 5.15****GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK NY 10036-8403

MAILED
AUG 27 2010
OFFICE OF PETITIONS

In re Application of :
Jacques Gabriel :
Application No. 12/252,124 : **ON PETITION**
Filed: October 15, 2008 :
Attorney Docket No. P/3939-19 :

This is in response to the petition under 37 CFR 1.137(b) filed June 22, 2010.

The petition under 37 CFR 1.137(b) is **granted**.

The above-identified application became abandoned for failure to reply to the Notice to File Missing Parts of Non-Provisional Application mailed October 28, 2008, which set a shortened period for reply of two (2) months from its mailing date. No response was received within the allowable period, and the application became abandoned on December 29, 2008. A Notice of Abandonment was mailed on July 6, 2009.

The declaration under 37 CFR 1.63 filed June 22, 2010, is noted.

This application is being forwarded to the Office of Patent Application Processing for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/252,149	10/15/2008	Robert B. Franconi	H0020678	6849

EXAMINER	
GOYAL, ARUN	

ART UNIT	PAPER NUMBER
3741	

MAIL DATE	DELIVERY MODE
06/29/2011	PAPER

7590 06/29/2011
HONEYWELL INTERNATIONAL INC.
PATENT SERVICES
101 COLUMBIA ROAD
P O BOX 2245
MORRISTOWN, NJ 07962-2245

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Mimi Farnes
Patent Publication Branch
Office of Data Management



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/252,149	10/15/2008	Robert B. Franconi	H0020678	6849
7590 06/29/2011 HONEYWELL INTERNATIONAL INC. PATENT SERVICES 101 COLUMBIA ROAD P O BOX 2245 MORRISTOWN, NJ 07962-2245			EXAMINER GOYAL, ARUN	
			ART UNIT	PAPER NUMBER
			3741	
			MAIL DATE	DELIVERY MODE
			06/29/2011	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(c)
The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(c), for express abandonment to avoid publication of the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

- ☐ The petition under 37 CFR 1.138(c) was not filed in sufficient time to permit the appropriate officials to recognize the abandonment and remove the application from the publication process.
- ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
- ☒ The Application was published in compliance with 35 U.S.C. 122(b), and it is available on the USPTO web site at <http://www.uspto.gov/patft/index.html>.
- ☐ Petition fee was not paid.

The application **has/will be published** as scheduled.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.


Patent Publication Branch
Office of Data Management



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FEB 10 2011

OFFICE OF PETITIONS

**HOLME ROBERTS & OWEN LLP
1700 LINCOLN STREET, SUITE 4100
DENVER CO 80203**

In re Application of
Giancarlo Barolat
Application No. 12/252,267
Filed: October 15, 2008
Attorney Docket No. 53613-10501

DECISION ON PETITION
TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 5, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

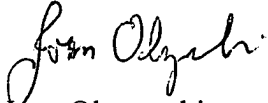
The request was signed by Mark L. Yaskanin on behalf of all attorneys of record who are associated with Customer Number 23337.

All attorneys/agents associated with the Customer Number 23337 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the applicant at the address indicated below.

Currently, there is an outstanding Office action mailed September 20, 2010 that requires a reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

A handwritten signature in black ink, appearing to read "Joan Olszewski".

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Giancarlo Barolat
730 Genesee Mountain Road
Golden, CO 80401



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Decision Date : July 8, 2011

In re Application of :

Hirohisa Tanaka

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12252274

Filed : 15-Oct-2008

Attorney Docket No : 05435.0088-0000

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed July 8, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 2873 for processing of the request for continuing examination under 37 CFR 1.114.

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)	
Application Number	12252274	
Filing Date	15-Oct-2008	
First Named Inventor	Hirohisa Tanaka	
Art Unit	2873	
Examiner Name	DAWAYNE PINKNEY	
Attorney Docket Number	05435.0088-0000	
Title	ILLUMINATION OPTICAL SYSTEM, EXPOSURE APPARATUS, AND DEVICE MANUFACTURING METHOD	
<p>An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.</p> <p>APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).</p> <p>A grantable petition requires the following items:</p> <p>(1) Petition fee; and</p> <p>(2) One of the following reasons:</p> <p>(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;</p> <p>(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or</p> <p>(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).</p>		
<p>Petition Fee</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY</p>		
Reason for withdrawal from issue		

- ☐ One or more claims are unpatentable
- ☒ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- ☐ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that:
- ☐ The RCE request, submission, and fee have already been filed in the above-identified application on
- ☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- ☐ A joint inventor; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/jessica keesee/
Name	Jessica A. Keesee
Registration Number	66364



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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

MAILED

SEP 23 2010

OFFICE OF PETITIONS

In re Application of :
Ghun-Up Cha, et al. :
Application No. 12/252,295 : DECISION GRANTING PETITION
Filed: October 15, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 1630-0670PUS2 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 22, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 19, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries regarding the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2435 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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**ABSOLUTE TECHNOLOGY LAW GROUP LLC
135 W. WELLS ST.
SUITE 518
MILWAUKEE WI 53203**

MAILED

SEP 16 2010

In re Application of

Lisa Thompson

Application No. 12/252,307

Filed: October 15, 2008

Attorney Docket No. Thompson_NP_10_08

OFFICE OF PETITIONS

**DECISION ON
PETITION TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.136(b), filed August 16, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Jill Gilbert Welytok on behalf of all attorneys/agents associated with customer 57520. All attorneys/agents associated with customer number 57520 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address has been changed and is copied below.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Lisa Thompson
3783 Raptor Court
Colgate, WI 53017



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/252,307	10/15/2008	Lisa Thompson	Thompson_NP_10_08

CONFIRMATION NO. 7173

POWER OF ATTORNEY NOTICE



57520
ABSOLUTE TECHNOLOGY LAW GROUP LLC
135 W. WELLS ST.
SUITE 518
MILWAUKEE, WI 53203

Date Mailed: 09/13/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/16/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571)-272-4000, or (571) 272-4200, or 1-888-786-0101



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SEP 23 2010

OFFICE OF PETITIONS

In re Application of :
Ghun-Up Cha, et al. :
Application No. 12/252,311 : **DECISION GRANTING PETITION**
Filed: October 15, 2008 : **UNDER 37 CFR 1.313(c)(2)**
Attorney Docket No. 1630-0670PUS5 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, September 22, 2010 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on July 30, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2435 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

¹ *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*



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COMMERCE CENTER SUITE 1000
211 COMMERCE ST
NASHVILLE TN 37201

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DEC 05 2011

OFFICE OF PETITIONS

In re Application of
William Christopher Lotterhos et al.
Application No. 12/252,337
Filed: October 15, 2008
Attorney Docket No. **2826820.000001**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36(b), filed November 21, 2011

The request is **NOT APPROVED**.

The request cannot be approved because it lacks the name of the first inventor or the assignee of record that is associated with the address listed in the request. Therefore, the change of correspondence address is considered improper.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions



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PAUL AND PAUL
2000 MARKET STREET
SUITE 2900
PHILADELPHIA, PA 19103

MAILED

MAR 17 2011

PCT LEGAL ADMINISTRATION

In re Application of	:	
SEREBRIANSKI et al	:	
Application No.: 12/252,388	:	DECISION ON PETITION
Filing Date: October 16, 2008	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No.: 2008-263	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed November 24, 2010, to accept an unintentionally delayed claim under 35 U.S.C. 120 for the benefit of priority to the prior-filed international application set forth in the amendment filed concurrently with the instant petition.

The petition is **GRANTED**.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional application is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

A petition for acceptance of a late claim for priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in 37 CFR 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that (1) a reference to the prior-filed international application has been included in an amendment to the first sentence of the specification following the title, as provided by 37 CFR 1.78(a)(2)(iii);

(2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a proper statement of unintentional delay. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. 120 to the prior-filed nonprovisional application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Bryan Lin at (571)272-3303. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center Art Unit 3676 for appropriate action, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. 120 to the prior-filed nonprovisional application.



Bryan Lin
Legal Examiner
Office of PCT Legal Administration

ATTACHMENT: Corrected Filing Receipt



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

James W. Potthast
Potthast & Associates
10606 Deerpath Road
Woodstock IL 60098

MAILED

JAN 20 2012

OFFICE OF PETITIONS

In re Application of:	:	
LASSOTA	:	DECISION ON PETITION
Application No.: 12/252,477	:	TO REVIVE
Filed: October 16, 2008	:	UNDER 37 CFR 1.137(a)
Attorney Docket No.: FET-66D	:	

This is a decision on the Petition for Revival of an Application for Patent Abandoned Unavoidably under 37 CFR 1.137(a), filed December 20, 2011, to revive the above-identified application. The requisite \$310.00 petition fee (Fee Code 2452) has been submitted.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

On October 16, 2008, the above-identified United States application for patent was filed with the United States Patent and Trademark Office (USPTO) and accorded Application No. 12/252,477.

On October 26, 2010, the USPTO mailed a non-final Office Action that set a three (3) month shortened statutory period for reply. This shortened statutory period being extendible up to six (6) months, pursuant to 37 CFR 1.136(a), from its October 26, 2010 mailing date with the timely filing of a petition for an extension of time and the requisite extension of time fee.

On March 28, 2011, applicants, within the identified shortened statutory period for reply, submitted an amendment entitled "AMENDMENT B" in response to the October 26, 2010 non-final Office Action. This AMENDMENT B, however, was not entered because it was determined to be non-compliant. The USPTO subsequently mailed a Notice of Non-Compliant Amendment (37 CFR 1.121) setting forth the reasons why the AMENDMENT B was non-compliant.

On May 20, 2011, applicant, in effect, attempted to respond to the March 28, 2011 Notice by filing a corrected amendment entitled "Amendment B (Corrected)". This AMENDMENT B (Corrected), however, was an amendment directed to another related application that was erroneously filed in the instant application. A Notice of Abandonment was mailed on December 1, 2011 because a proper reply to the non-final Office Action and the Notice was not received.

Decision on Petition under 37 CFR 1.137(a)

On December 20, 2011, applicant filed the present Petition for Revival of an Application for Patent Abandoned Unavoidably under 37 CFR 1.137(a). The present petition was accompanied by an amendment entitled "AMENDMENT B (Corrected)" that identifies, inter alia, "Appln. No. 12/251,804" and "Filed: October 15, 2008" in the bibliographic data identified on the first page thereof, which, of course, is different from the application number of the instant application.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d).

The present petition lacks Items (1) and (3) above, the required reply and the showing that the entire delay was unavoidable.

On Page 3 of 3 of the present petition, petitioner acknowledges that the amendment filed May 20, 2011 was an incorrect amendment for the instant application and that its filing "was entirely inadvertent and was simply caused by mistakenly clicking on the PET-65D document in the drop down window instead of the correct PET-66D document being filed herewith." In addition, applicant also states that:

"[t]his error was unavoidable human error by the present attorney, for although, he has filed numerous documents over the years since EFS-Web has been available, he has never before made such an error, and there was no reason to suspect that an error had been made at the time."

The Commissioner may revive an abandoned application if the delay in responding to the relevant outstanding Office requirement is shown to the satisfaction of the Commissioner to have been "unavoidable". 35 USC § 133. Decisions on reviving abandoned applications have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

The word unavoidable ... is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.

Decisions on reviving abandoned applications have adopted the reasonably prudent person standard in determining if the delay was unavoidable. Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887). Petitioner should note that the term "unavoidable" "is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and

Decision on Petition under 37 CFR 1.137(a)

observed by prudent and careful men in relation to their most important business." In re Mattulath, 38 App. D.C. 497, 514-15 (D.C. Cir. 1912); Ex Parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (Comm'r Pat. 1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition to revive an application as unavoidably abandoned cannot be granted where a petitioner has failed to meet his or her burden of establishing the cause of the unavoidable delay. Haines v. Quigg, 673 F. Supp. 314, 5 USPQ2d 1130 (N.D. Ind. 1987). The requirement in 35 U.S.C. S 133 for a showing of unavoidable delay requires not only a showing that the delay which resulted in the abandonment of the application was unavoidable, but also a showing of unavoidable delay from the time an applicant becomes aware of the abandonment of the application until the filing of a petition to revive. See, In re Application of Takao, 17 USPQ2d 1155 (Comm'r Pat, 1990). Finally, a petition under 35 U.S.C. S 133 cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable" within the meaning of 35 U.S.C. S 133. Haines v. Ouigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

As set forth above, petitioner, in effect, urges that the entire delay in filing an appropriate amendment to the outstanding October 26, 2010 non-final Office Action was unavoidable on the basis that petitioner, via an EFS-Web drop down menu, selected an incorrect document that was meant to be filed in another application. The incorrect document with the file name of "FET-65D", per petitioner, was mistakenly selected over the correct document with the file name "FET-66D". Petitioner also advances that since "he has never before made such an error...there was no reason to suspect that an error had been made at the time."

While the filing of any incorrect document, via EFS-Web or otherwise, would understandably be regarded as error, petitioner has not established that such error was, in fact, unavoidable within the meaning of 35 U.S.C. 133 and 37 CFR 1.137(a) to the satisfaction of the Director. In petitioner's present situation, petitioner set himself up to be confronted with having to carefully select one of two similarly named document files, i.e., either "FET-65D" or "FET-66D", when it became time to select the files for ultimate filing utilizing the drop down menu of the EFS-Web "Attach Documents" tab. It should be noted that these two similar named document files were previously created and specifically named by either petitioner himself or someone else on petitioner's behalf that were made available in the same folder or location on petitioner's computer or computer network for filing with EFS-Web. In view of these particular prior EFS-Web filing preparations, petitioner should have known that an inadvertent selection of the incorrect document file could quite easily occur. Petitioner has not provided any discussion of the facts as to what procedures and/or safeguards were in place to ensure that petitioner selected the correct document file for attachment using the EFS-Web drop down menu. In addition, EFS-Web allows users to review and check their electronic submissions including their attached PDF files before submitting, i.e., filing, their documents to the USPTO. Likewise, petitioner has not provided any discussion of the facts as to whether or not petitioner actually took advantage of any or all of the review and check features of EFS-Web after any or all of the selected document files had been attached, but before petitioner subsequently "filed" the attached document(s) when he clicked, selected, or otherwise activated the "Submit" button.

Petitioner, in Items 6 and 7 of the present petition, indicates that subsequent to an investigation and review of the file to ensure the accuracy of the facts presented in the present petition, applicant prepared and filed the present petition via EFS-Web, and that “[i]n the future, applicant’s present attorney will check all documents to make sure that they are the correct documents attached before filing to avoid this problem in the future”.

A review of the AMENDMENT B (Corrected) submitted with the present petition to revive is not, as mentioned above, directed to the instant application. More specifically, this AMENDMENT B (Corrected) is directed to application 12/251,804 and indicates it has been filed in response to a final Office Action mailed November 8, 2010. No such Office Action has been mailed in the instant application. In addition, this AMENDMENT B (Corrected) included six (6) pages of Claims numbered 1-25. However, the instant application has three (3) pages of Claims numbered 1-17.

Accordingly, the present petition to revive neither satisfies the required reply nor establishes that the delay is unavoidable delay within the meaning of 35 U.S.C. 133 and 37 CFR 1.137(a).

ALTERNATIVE RELIEF

If petitioner cannot provide the evidence necessary to establish unavoidable delay, or simply does not wish to do so, petitioner may wish to consider filing a Petition for Revival under 37 CFR 1.137(b) stating that the delay was unintentional.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).


Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450.

By Hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By facsimile: **(571) 273-8300**
 Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to Brian W. Brown at (571) 272-5338.


Brian W. Brown
Petitions Examiner
Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	
Application Number	12252477	
Filing Date	16-Oct-2008	
First Named Inventor	Zbigniew Lassota	
Attorney Docket Number	FET-66D	
Title	METHOD OF BREWING BEVERAGE IN AN ELECTRIC, DRIP-TYPE BEVERAGE BREWER	
<p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.</p> <p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items: (1) Petition fee; (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and (4) Statement that the entire delay was unintentional</p>		
Petition Fee <input type="radio"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27. <input type="radio"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2). <input checked="" type="radio"/> Applicant(s) status remains as SMALL ENTITY. <input type="radio"/> Applicant(s) status remains as other than SMALL ENTITY.		
2. Reply and/or fee <input checked="" type="radio"/> I certify, in accordance with 37 CFR 1.4(d)(4) that the amendment and response have already been filed in the above-identified application on 01-26-2012 <input type="radio"/> Amendment and response are attached		
RCE request, submission, and fee. <input type="radio"/> I certify, in accordance with 37 CFR 1.4(d)(4) that the RCE Request, Submission, and Fee have already been filed in the above-identified application on <input type="radio"/> RCE Request, Submission, and Fee are attached		
Notice of Appeal		

☐ I certify, in accordance with 37 CFR 1.4(d)(4) that the Notice of Appeal and Fee have already been filed in the above-identified application on

☐ Notice of Appeal and Fee are attached

3. Terminal Disclaimer is not required, since the Electronic Petition format is not support for Design applications and applications filed before June 8, 1995. Please file using regular petition format for review by the Office of Petitions.

☒ STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.

☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.

☐ A sole inventor

☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors

☐ A joint inventor; all of whom are signing this e-petition

☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/JAMES W POTTHAST/
Name	JAMES W. POTTHAST
Registration Number	26792



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date January 26, 2012

In re Application of Zbigniew Lassota

Application No. 12252477

Filed: 16-Oct-2008

DECISION ON PETITION

UNDER CFR 1.137(b)

Attorney Docket No. FET-66D

This is an electronic decision on the petition under 37 CFR 1.137(b), January 26, 2012, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the outstanding Office communication. The date of abandonment is the day after the last day of the period set for reply in the Office action plus any applicable extensions of time properly requested.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a response; (2) the petition fee as set forth in 37 CFR 1.17 (m); and (3) the required statement of unintentional delay have been received. Accordingly, the response is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Technology Center.

Office of Petitions

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM IN A U.S. APPLICATION WHERE THE USPTO WAS THE ISA OR IPEA

Application No:	12/252,487 - Conf. 7523	Filing date:	October 16, 2008
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First Named Inventor:	Peter HONKANEN, et al
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Title of the Invention:	CONTINUAL FLOW PIN WASHER
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THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBS/EF5_HELP.HTML](http://www.uspto.gov/ebs/efs_help.html)

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

PCT/US2008/08122

The corresponding PCT application number(s) is/are:

The international date of the corresponding PCT application(s) is/are:

October 16, 2008

I. List of Required Documents:

- a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)



Is attached



Is not attached because the document is already in the U.S. application.

- b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).



Is attached.



Is not attached because the document is already in the U.S. application.

- c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

(continued)

Application No.:	12/252,487 - Conf. 7523
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First Named Inventor: Peter HONKANEN et al

- ☐ WORKSHEET, WORKSHEET, WORKSHEET
Is attached

☐ Has already been filed in the above-identified U.S. application on March 12, 2009

- ☐ Are attached.

☐ Have already been filed in the above-identified U.S. application on March 12, 2009

II. Claims Correspondence Table:

[illegible]

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Date November 17, 2010

Registration Number 64,389

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 2001521.00124WO	<div style="display: flex; justify-content: space-between;"> <div> FOR FURTHER ACTION </div> <div> see Form PCT/ISA/220 as well as, where applicable, item 5 below. </div> </div>	
International application No. PCT/US2008/080122	International filing date (day/month/year) 16 October 2008	(Earliest) Priority Date (day/month/year) 17 October 2007
Applicant AUSHON BIOSYSTEMS		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 2 sheets.

☐ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

a. With regard to the language, the international search was carried out on the basis of:

- ☒ the international application in the language in which it was filed
☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

b. ☐ With regard to any nucleotide and/or amino acid sequence disclosed in the international application, see Box No. I.

2. ☐ Certain claims were found unsearchable (see Box No. II)

3. ☐ Unity of invention is lacking (see Box No. III)

4. With regard to the title,

- ☒ the text is approved as submitted by the applicant
☐ the text has been established by this Authority to read as follows:

5. With regard to the abstract,

- ☒ the text is approved as submitted by the applicant
☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority

6. With regard to the drawings,

- a. the figure of the drawings to be published with the abstract is Figure No. 8
- ☒ as suggested by the applicant
☐ as selected by this Authority, because the applicant failed to suggest a figure
☐ as selected by this Authority, because this figure better characterizes the invention
- b. ☐ none of the figures is to be published with the abstract

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US2008/080122

A. CLASSIFICATION OF SUBJECT MATTER

IPC(8) - B08B 3/02 (2008.04)

USPC - 134/54

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC(8) - B08B 3/02, 3/04 (2008.04)

USPC - 134/34, 54, 102.2, 118, 140, 187; 422/62, 100; 436/43, 49, 54; 73/864.01; 600/101; 15/104.001, 320

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

PatBase

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	US 2004/0129299 A1 (KOCHEHLAKOTA et al) 08 July 2004 (08.07.2004) entire document	22-25
Y	US 2004/0266015 A1 (FAVUZZI et al) 30 December 2004 (30.12.2004) entire document	22-25
Y	US 6,325,080 B1 (HELD et al) 04 December 2001 (04.12.2001) entire document	23
A	US 2002/0059945 A1 (MAIEFSKI et al) 23 May 2002 (23.05.2002) entire document	1-25
A	US 2002/0106813 A1 (SMITH et al) 08 August 2002 (08.08.2002) entire document	1-25
A	US 4,730,631 A (SCHWARTZ) 15 March 1988 (15.03.1988) entire document	1-25
A	US 5,160,378 A (TUUNANEN) 03 November 1992 (03.11.1992) entire document	1-25

☐ Further documents are listed in the continuation of Box C.

* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier application or patent but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"I" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&" document member of the same patent family

Date of the actual completion of the international search

03 December 2008

Date of mailing of the international search report

12 DEC 2008

Name and mailing address of the ISA/US

Mail Stop PCT, Attn: ISA/US, Commissioner for Patents

P.O. Box 1450, Alexandria, Virginia 22313-1450

Facsimile No. 571-273-3201

Authorized officer

Blaine R. Copenheaver

PCT Helpdesk: 571-272-4300
PCT OSP: 571-272-7774

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To: JOHN HOBGOOD
WILMER CUTLER PICKERING HALE AND
DORR LLP
60 STATE STREET
BOSTON, MA 021099

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing
(day/month/year)

12 DEC 2008

Applicant's or agent's file reference
2001521.0012

FOR FURTHER ACTION

See paragraph 2 below

International application No.
PCT/US2008/080122

International filing date (day/month/year)
16 October 2008

Priority date (day/month/year)
17 October 2007

International Patent Classification (IPC) or both national classification and IPC
IPC(8) - (2008.04)
USPC -

Applicant
AUSHON BIOSYSTEMS

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

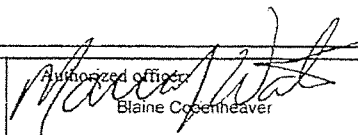
If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/US
Mail Stop PCT, Attn: ISA/US
Commissioner for Patents
P.O. Box 1450, Alexandria, Virginia 22313-1450
Facsimile No. 571-273-3201

Date of completion of this opinion
03 December 2008

Authorized officer

Blaine Cosentheaver
PCT Helpdesk: 571-272-4300
PCT OSP: 571-272-7774

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2008/080122

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of:

- ☒ the international application in the language in which it was filed.
☐ a translation of the international application into _____ which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. ☐ This opinion has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing
☐ table(s) related to the sequence listing

b. format of material

- ☐ on paper
☐ in electronic form

c. time of filing/furnishing

- ☐ contained in the international application as filed
☐ filed together with the international application in electronic form
☐ furnished subsequently to this Authority for the purposes of search

4. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2008/080122

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-25	YES
	Claims	None	NO
Inventive step (IS)	Claims	1-21	YES
	Claims	22-25	NO
Industrial applicability (IA)	Claims	1-25	YES
	Claims	None	NO

2. Citations and explanations:

Claims 22, 24 and 25 lack an inventive step under PCT Article 33(3) as being obvious over Kocherlakota et al., (hereinafter referred to as Kocherlakota) in view of Favuzzi et al., (hereinafter referred to as Favuzzi).

Regarding claims 22, 24 and 25, Kocherlakota discloses in Fig. 1, [Cim. 22] a method of cleaning a plurality of deposition pins (74, pipettes) in a system with a lower chamber (42, T-connectors), a plurality of cleaning tubes (30) each cleaning tube having an inlet end (bottom end of tube 30, in which liquid enter from tube 72, as stated in Par. 0030, lines 4-6, and Par. 0031, lines 1 and 2) and an outlet end (top end of tube (30), in which the liquid exits from, as stated in Par. 0031, lines 6 and 7); each tube inlet end (bottom end of tube 30) being in fluid communication with the lower chamber (42), each tube outlet end adapted to receive at least a portion of one of the deposition pins (74, as seen in Fig. 1), the method comprising: providing a cleaning fluid into the lower chamber to a level above the outlet ends of each cleaning tube (as stated in Par. 0031) so that vapor (air held within tubes before water is released) within the lower chamber is displaced by the cleaning fluid, and continuing to provide the cleaning fluid so that vapor (air) remaining in the lower chamber is compressed and the cleaning fluid flows upward through the cleaning tubes (as stated in Par. 0031); and disposing at least a portion of a single one of the deposition pins (pipette, 74) in the tube outlet end (top end of tube 30) of one of the cleaning tubes while the cleaning fluid flows through the cleaning tubes so that the pin is washed within the tube (as stated in Par. 0031, lines 11-15); and [Cim. 24] wherein the tube outlet ends are arranged in rows (as seen in Fig. 1, and as stated in Par. 0026, lines 1 and 2) and further comprising: disposing a first row of deposition pins in a row of tube outlet ends, each tube outlet end of the row receiving no more than one deposition pin of the first row of deposition pins (Par. 0026, lines 4-6); removing the deposition pins from the row of tube outlet ends (as stated in Par. 0033), but Kocherlakota does not disclose: [Cim. 22] a drain basin; wherein each tube outlet being in fluid communication with the drain basin; [Cim. 24] removing the first row of deposition pins from the row of tube outlet ends; and subsequent to removing the first row of deposition pins from the row of tube outlet ends, disposing a second row of deposition pins in the row of tube outlet ends, each tube outlet end of the row receiving no more than one deposition pin of the second row of deposition pins; and [Cim. 25] wherein a plurality of pins are disposed in a plurality of tubes on a one-for-one basis, and wherein the tube outlet ends are above a level of cleaning fluid such that each of the plurality of pins is washed within a respective cleaning tube, and wherein the cleaning fluid passes each tube and exits at outlet ends such that the fluid that cleans a first pin is drained and does not come into fluid contact with a second pin.

Favuzzi, however, teaches in Fig. 1-5, a method of cleaning pins comprising: [Cim. 22] a drain basin (space 224, that holds the liquid run-off as stated in Par. 0111, lines 1-5); wherein each tube outlet (top of cup tube (213) as shown in Fig. 5) being in fluid communication with the drain basin (holding space, 224 as shown in Fig. 5); [Cim. 24] removing the first row of deposition pins from the row of tube outlet ends; and subsequent to removing the first row of deposition pins from the row of tube outlet ends, disposing a second row of deposition pins in the row of tube outlet ends, each tube outlet end of the row receiving no more than one deposition pin of the second row of deposition pins (as indicated in Par. 0116 in which a repeat step of inserting new pins in the cleaning tubes may be done) wherein the process of repeating the insertion step; and [Cim. 25] wherein a plurality of pins (211) are disposed in a plurality of tubes (213) on a one-for-one basis (as stated in Par. 0106, wherein one probe pin is placed in the washing station (8) which houses the drain basin), and wherein the tube outlet ends are above a level of cleaning fluid such that each of the plurality of pins is washed within a respective cleaning tube, and wherein the cleaning fluid passes each tube and exits at outlet ends such that the fluid that cleans a first pin is drained and does not come into fluid contact with a second pin (Par. 0111, wherein the drain basin as well as the lid addition (22) keep the drainage from spilling outside of the drain basin (224) as stated in Par. 0110, lines 5-7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kocherlakota's method of cleaning deposition pins with a system comprising a drain basin located near the cleaning tubes outlet end as taught by Favuzzi, for the purpose of allowing unwanted cleaning liquid from tampering the reagents or cleaning liquids in other pin holding tubes.

(Continued in Supplemental Box)

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2008/080122

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of:

Box V

Claim 23 lacks an inventive step under PCT Article 33(3) as being obvious over Kocherlakota in view of Favuzzi and further in view of Held et al.

Regarding claim 23, Kocherlakota as modified by Favuzzi et al discloses a method of cleaning deposition pins comprising all the elements as claimed in Claim 22, and as set forth above, but Kocherlakota does not disclose: [Cim. 23] wherein at least one of the plurality of cleaning tubes includes a flow restriction feature and the disposing the deposition pin in the tube outlet end includes disposing a terminus of the deposition pin within the flow restriction feature.

Held et al, however, teaches in Fig. 1 and 2b, a method of cleaning a medical device comprising wherein at least one of the plurality of cleaning tubes (portion between rim (15) and chamber portion (230) as shown in Fig. 2b) includes a flow restriction feature (curved portion of tube in which diameter has been reduced) and the disposing the deposition pin (in this case a medical TEE probe) in the tube outlet end (Col. 2, lines 49-52) includes disposing a terminus of the deposition pin within the flow restriction feature (wherein disposing any object in receptacle inlet will be located within the flow restriction feature of the receptacle).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kocherlakota's method of cleaning with a flow restriction feature formed on the cleaning tube receptacle as taught by Held et al, for the purpose of providing an effective means in which the cleaning liquid can clean inserted device thoroughly.

Claims 1-21 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest:

[Cims. 1 and 15] a pin wash station/ system comprising: a vent tube, the vent tube having an inlet end and an outlet end, the inlet end being in fluid communication with the lower chamber, the terminus of the vent tube inlet end being above the level of the cleaning tube inlet ends relative to the substantially horizontal reference plane, and the outlet end being in fluid communication with the drain basin. No references were found showing this vent tube limitation as well as its location on the lower chamber. The location of the vent tube is considered critical by the applicant since it is used to deter any upward spray contamination of cleaning fluid through the cleaning tubes when the cleaning fluid is introduced into the chamber.

Consequently, none of the prior art references cited, disclose or suggest the combination of structural limitations as set forth in claims 1-21, thus none of these references cure the deficiencies of Kocherlakota et al in view of Favuzzi et al and Held et al.

Claims 1-25 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.

1. A pin wash station, comprising:
 - a lower chamber;
 - a drain basin;
 - a plurality of cleaning tubes, each cleaning tube having an inlet end and an outlet end, each tube inlet end being in fluid communication with the lower chamber, the terminus of all tube inlet ends being below a substantially horizontal reference plane, each tube outlet end being in fluid communication with the drain basin such that fluid that exits the outlet end of the tube passes into the drain basin, and each tube outlet end adapted to receive at least a portion of a deposition pin; and
 - a vent tube, the vent tube having an inlet end and an outlet end, the inlet end being in fluid communication with the lower chamber, the terminus of the vent tube inlet end being above the level of the cleaning tube inlet ends relative to the substantially horizontal reference plane, and the outlet end being in fluid communication with the drain basin.
2. The pin wash station of claim 1, wherein the vent tube outlet end includes a portion directed away from the cleaning tube outlet ends.
3. The pin wash station of claim 1, wherein the vent tube includes a surface tension reduction feature disposed within the vent tube for reducing surface tension of fluid within the vent tube.
4. The pin wash station of claim 3, wherein the surface tension reduction feature includes a wire disposed within the vent tube.
5. The pin wash station of claim 1, wherein the substantially horizontal reference plane corresponds to a level of a cleaning fluid in the lower chamber.
6. The pin wash station of claim 1, wherein at least one of the plurality of cleaning tube outlet ends has a fluid surface tension reduction feature.
7. The pin wash station of claim 6, wherein the surface tension reduction feature is a notch in a lip of at least one of the tube outlet ends.

8. The pin wash station of claim 6, wherein the surface tension reduction feature includes a surface finish on an outside surface of at least one of the tube outlet ends.
9. The pin wash station of claim 8, wherein the surface finish includes at least one of a bead blasting treatment, a grit blasting treatment, a hydrophilic treatment, and a hydrophobic treatment.
10. The pin wash station of claim 1, wherein at least one of the plurality of cleaning tubes has a flow restriction feature positioned to correspond to a predetermined location on at least a portion of the deposition pin.
11. The pin wash station of claim 10, wherein the predetermined location is the terminus of the deposition pin.
12. The pin wash station of claim 10, wherein the flow restriction feature is a swage in at least a portion of the cleaning tube.
13. The pin wash station of claim 10, wherein the flow restriction feature includes a narrowing insert within at least a portion of the cleaning tube.
14. The pin wash station of claim 10, wherein an inner surface of the flow restriction feature includes a surface treatment that generates at least one of rotation and turbulence in a cleaning fluid flowing through the flow restriction feature.
15. A system, comprising:
 - a plurality of pins adapted to deposit an array of material dots on a receiving surface;
and
 - a pin wash station, including:
 - a lower chamber;
 - a drain basin;
 - a plurality of cleaning tubes, each cleaning tube having an inlet end and an outlet end, each tube inlet end being in fluid communication with the lower chamber, the terminus of all tube inlet ends being below a substantially horizontal reference plane, each tube outlet end being in fluid

communication with the drain basin, and each tube outlet end adapted to receive one of the plurality of pins; and

a vent tube, the vent tube having an inlet end and an outlet end, the inlet end being in fluid communication with the lower chamber, the terminus of the vent tube inlet end being above the level of the cleaning tube inlet ends relative to the substantially horizontal reference plane, and the outlet end being in fluid communication with the drain basin.

16. The system of claim 15, wherein the substantially horizontal reference plane corresponds to a level of a cleaning fluid in the lower chamber.
17. The system of claim 15, wherein the plurality of pins includes at least one deposition pin printing array including at least 192 deposition pins.
18. The system of claim 15, wherein at least one of the plurality of cleaning tubes includes at least one of a fluid surface tension reduction feature, a fluid surface tension reducing surface treatment, and a flow restriction feature.
19. The system of claim 15, wherein the number of cleaning tubes is equal to the number of pins and the arrangement of the cleaning tubes corresponds to the arrangement of the pins.
20. The system of claim 15, wherein the number of cleaning tubes is less than the number of pins.
21. The system of claim 20, wherein the plurality of pins are arranged in rows having a first spacing between the rows, the cleaning tubes are arranged in rows having a second spacing between the rows, and the second spacing is an integer multiple of the first spacing.
22. A method of cleaning a plurality of deposition pins in a system with a lower chamber, a drain basin, and a plurality of cleaning tubes, each cleaning tube having an inlet end and an outlet end, each tube inlet end being in fluid communication with the lower chamber, each tube outlet end being in fluid communication with the drain basin, and each tube outlet end adapted to receive at least a portion of one of the deposition pins, the method comprising:

providing a cleaning fluid into the lower chamber to a level above the outlet ends of each cleaning tube so that vapor within the lower chamber is displaced by the cleaning fluid, and continuing to provide the cleaning fluid so that vapor remaining in the lower chamber is compressed and the cleaning fluid flows upward through the cleaning tubes; and

disposing at least a portion of a single one of the deposition pins in the tube outlet end of one of the cleaning tubes while the cleaning fluid flows through the cleaning tubes so that the pin is washed within the tube.

23. The method of claim 22, wherein at least one of the plurality of cleaning tubes includes a flow restriction feature and the disposing the deposition pin in the tube outlet end includes disposing a terminus of the deposition pin within the flow restriction feature.
24. The method of claim 22, wherein the tube outlet ends are arranged in rows and further comprising:

disposing a first row of deposition pins in a row of tube outlet ends, each tube outlet end of the row receiving no more than one deposition pin of the first row of deposition pins;

removing the first row of deposition pins from the row of tube outlet ends; and

subsequent to removing the first row of deposition pins from the row of tube outlet ends, disposing a second row of deposition pins in the row of tube outlet ends, each tube outlet end of the row receiving no more than one deposition pin of the second row of deposition pins.
25. The method of claim 22, wherein a plurality of pins are disposed in a plurality of tubes on a one-for-one basis, and wherein the tube outlet ends are above a level of cleaning fluid such that each of the plurality of pins is washed within a respective cleaning tube, and wherein the cleaning fluid passes each tube and exits at outlet ends such that the fluid that cleans a first pin is drained and does not come into fluid contact with a second pin.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/252,487	10/16/2008	Peter HONKANEN	2001521.00124US2	7523

23483	7590	01/21/2011
WILMERHALE/BOSTON 60 STATE STREET BOSTON, MA 02109		

EXAMINER	
OSTERHOUT, BENJAMIN LEE	

ART UNIT	PAPER NUMBER
1711	

NOTIFICATION DATE	DELIVERY MODE
01/21/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

teresa.carvalho@wilmerhale.com
whipusptopairs@wilmerhale.com



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BC

January 20, 2011

In re application of	:	DECISION ON REQUEST TO
Peter Honkanen et al.	:	PARTICIPATE IN PATENT
Serial No. 12/252,487	:	PROSECUTION HIGHWAY
Filed: October 16, 2008	:	PROGRAM AND
For: CONTINUAL FLOW PIN WASHER	:	PETITION TO MAKE SPECIAL
	:	UNDER 37 CFR 1.102(a)

This is a decision on the request for reconsideration to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed November 17, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);
- (5) Examination of the U.S. application has not begun;
- (6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof if the latest international work

Application No. 12/252,487

product is not in the English language; and

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/252,517	10/16/2008	Joseph David Anderson	035718/385610	7586
29122 7590 08/05/2011 ALSTON & BIRD LLP PIONEER HI-BRED INTERNATIONAL, INC. BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			EXAMINER IBRAHIM, MEDINA AHMED	
			ART UNIT 1638	PAPER NUMBER
			MAIL DATE 08/05/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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ALSTON & BIRD LLP
 PIONEER HI-BRED INTERNATIONAL, INC.
 BANK OF AMERICA PLAZA
 101 SOUTH TRYON STREET, SUITE 4000
 CHARLOTTE NC 28280-4000

In re Application of: :
 Joseph Anderson :
 Serial No.: 12/252,517 : PETITION DECISION
 Filed: October 16, 2008 :
 Attorney Docket No.: 035718/385610

This is in response to the petition under 37 CFR § 1.59(b), filed July 22, 2011, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, received by the Patent Office on July 26, 2011 (not June 22, 2011 as stated in Petition), be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
 Marianne C. Seidel, Quality Assurance Specialist
 Technology Center 1600



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/252,517	10/16/2008	Joseph David Anderson	035718/385610	7586
29122 7590 10/05/2011 ALSTON & BIRD LLP PIONEER HI-BRED INTERNATIONAL, INC. BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			EXAMINER IBRAHIM, MEDINA AHMED	
			ART UNIT 1638	PAPER NUMBER
			MAIL DATE 10/05/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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ALSTON & BIRD LLP
PIONEER HI-BRED INTERNATIONAL, INC.
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE NC 28280-4000

In re Application of:
Joseph D. Anderson
Serial No.: 12/252,517
Filed: October 16, 2008
Attorney Docket No.: 035718/385610

:
:
: PETITION DECISION
:
:

This is in response to the renewed petition under 37 CFR § 1.59(b), filed September 20, 2011, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the material received by the Patent Office on July 26, 2011 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/252,527	10/16/2008	Thomas Craig Kevern	P08798US01 - PHI 2651+	7601
27142 7590 06/14/2011 MCKEE, VOORHEES & SEASE, P.L.C. ATTN: PIONEER HI-BRED 801 GRAND AVENUE, SUITE 3200 DES MOINES, IA 50309-2721			EXAMINER IBRAHIM, MEDINA AHMED	
			ART UNIT 1638	PAPER NUMBER
			NOTIFICATION DATE 06/14/2011	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patatty@ipmvs.com



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JUN 14 2011

MCKEE, VOORHEES & SEASE, P.L.C.
 ATTN: PIONEER HI-BRED
 801 GRAND AVENUE, SUITE 3200
 DES MOINES IA 50309-2721

In re Application of: :
 Thomas Craig Kevern :
 Serial No.: 12/252,527 : PETITION DECISION
 Filed: October 16, 2008 :
 Attorney Docket No.: P08798US01 - PHI
 2651+

This is in response to the petition under 37 CFR § 1.59(b), filed June 2, 2011, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on June 2, 2011, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an unexamined application. As such the information provided has not been reviewed, nor have proceedings in the application been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time but the pages will be "closed" in PAIR such that only the examiner can view said pages.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
 Marianne C. Seidel, Quality Assurance Specialist
 Technology Center 1600



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/252,527	10/16/2008	Thomas Craig Kevern	2651	7601
27310	7590	12/07/2011		
PIONEER HI-BRED INTERNATIONAL, INC. 7250 N.W. 62ND AVENUE P.O. BOX 552 JOHNSTON, IA 50131-0552				
			EXAMINER IBRAHIM, MEDINA AHMED	
			ART UNIT 1638	PAPER NUMBER
			NOTIFICATION DATE 12/07/2011	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ginny.boesen@pioneer.com
toni.farris@pioneer.com
michelle.rees@pioneer.com



DEC - 7 2011

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MCKEE, VOORHEES & SEASE, P.L.C.
ATTN: PIONEER HI-BRED
801 GRAND AVENUE, SUITE 3200
DES MOINES IA 50309-2721

In re Application of:

Thomas Craig Kevern

Serial No.: 12/252,527

Filed: October 16, 2008

Attorney Docket No.: P08798US01 - PHI

2651+

:
:
: PETITION DECISION
:

This is in response to the renewed petition under 37 CFR § 1.59(b), filed December 1, 2011, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on June 2, 2011, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/

Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/252,538	10/16/2008	Thomas Charles Barker	035718/385612	7618
29122 7590 09/07/2011 ALSTON & BIRD LLP PIONEER HI-BRED INTERNATIONAL, INC. BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			EXAMINER IBRAHIM, MEDINA AHMED	
			ART UNIT 1638	PAPER NUMBER
			MAIL DATE 09/07/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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ALSTON & BIRD LLP
 PIONEER HI-BRED INTERNATIONAL, INC.
 BANK OF AMERICA PLAZA
 101 SOUTH TRYON STREET, SUITE 4000
 CHARLOTTE NC 28280-4000

In re Application of:

Barker et al.

Serial No.: 12/252,538

Filed: October 16, 2008

Attorney Docket No.: 035718/385612

: : : : :

: PETITION DECISION

This is in response to the petition under 37 CFR § 1.59(b), filed July 22, 2011, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, received at the Patent Office on July 26, 2011, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/

Marianne C. Seidel, Quality Assurance Specialist
 Technology Center 1600



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/252,538	10/16/2008	Thomas Charles Barker	035718/385612	7618
29122 7590 11/09/2011 ALSTON & BIRD LLP PIONEER HI-BRED INTERNATIONAL, INC. BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			EXAMINER IBRAHIM, MEDINA AHMED	
			ART UNIT 1638	PAPER NUMBER
			MAIL DATE 11/09/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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PIONEER HI-BRED INTERNATIONAL, INC.
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE NC 28280-4000

In re Application of: :
Barker et al. : PETITION DECISION
Serial No.: 12/252,538 :
Filed: October 16, 2008 :
Attorney Docket No.: 035718/385612 :

This is in response to the renewed petition under 37 CFR § 1.59(b), filed October 12, 2011, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the material received by the Patent Office on July 26, 2011 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600



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Ryan P. O'Connor, Ph.D.
Range Fuels, Inc.
PO Box 580
Minnetrista MN 55364-0580

MAILED

AUG 23 2011

OFFICE OF PETITIONS

In re Application of
Jesse E. Hensley
Application No. 12/252,545
Filed: October 16, 2008
Attorney Docket No. **1016.01**

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 2, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before June 24, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed March 24, 2011. Accordingly, the date of abandonment of this application is June 25, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$755 and the publication fee of \$300, (2) the petition fee of \$810; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

This application is being referred to the Office of Data Management for processing into a patent.

JoAnne Burke
Petitions Examiner
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/252,549	10/16/2008	Joseph David Anderson	035718/385533	7636
29122	7590	11/01/2011	EXAMINER	
ALSTON & BIRD LLP PIONEER HI-BRED INTERNATIONAL, INC. BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			IBRAHIM, MEDINA AHMED	
			ART UNIT	PAPER NUMBER
			1638	
			MAIL DATE	DELIVERY MODE
			11/01/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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ALSTON & BIRD LLP
PIONEER HI-BRED INTERNATIONAL, INC.
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE NC 28280-4000

In re Application of: :
Joseph Anderson :
Serial No.: 12/252,549 : PETITION DECISION
Filed: October 16, 2008 :
Attorney Docket No.: 035718/385533 :

This is in response to the petition under 37 CFR § 1.59(b), filed May 31, 2011, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105 received by the Patent Office on June 3, 2011 (certificate of mail date of 5/31/11), be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600



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Vista IP Law Group, LLP (Cadence)
2160 Lundy Avenue
Suite 230
San Jose CA 95131

Appl No.: 12/252,577

Applicant: Nozarian

Filed: October 16, 2008

For: METHOD AND SYSTEM IDENTIFYING AND
LOCATING IP BLOCKS AND BLOCK SUPPLIERS
FOR AN ELECTRONIC DESIGN

:
:
: **DECISION ON PETITION**
: **UNDER 37 C.F.R. 1.48(a)**
:

This is a decision on the applicant's "Request to Correct Inventorship" filed under 37 C.F.R. 1.48(a) on March 11, 2009. The applicant requests to add inventor Catherine Jones as a joint inventor for the above-captioned patent application.

The petition is **GRANTED**.

Any petition for correction of inventorship filed under 37 CFR 1.48(a) must also include:

- (1) A request to correct the inventorship that sets forth the desired inventorship change;
- (2) A statement from each person being added as an inventor and from each

person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;

(3) An oath or declaration by the actual inventor or inventors as required by § 1.63 or as permitted by §§ 1.42, 1.43 or § 1.47;

(4) The processing fee set forth in § 1.17(i); and

(5) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter).

After a careful review of the file and applicant have supplied sufficient cause for correction of inventorship and have met the requirements under of 37 CFR 1.48(a), the petition is hereby granted.

/Jack Chiang/

Jack Chiang, Supervisory Patent Examiner, Art Unit 2825



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HIOK NAM TAY
BLK 409 WOODLANDS STREET 41#13-109
SINGAPORE 73040-9 SG SINGAPORE

MAILED

SEP 22 2010

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Tay, Hiok Nam :
Application No. 12/252,614 :
Filed: October 16, 2008 :
Attorney Docket No. 157487-0069 (P008C) :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed September 1, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the Issue Fee Transmittal with payment of the issue and publication fees, (2) the petition fee of \$810.00, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to the Office of Data Management for processing into a patent.

Liana Walsh
Petitions Examiner
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/252,619	10/16/2008	THOMAS CRAIG KEVERN	035718/385529	7773
29122 7590 01/07/2011 ALSTON & BIRD LLP PIONEER HI-BRED INTERNATIONAL, INC. BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			EXAMINER MEHTA, ASHWIN D	
			ART UNIT 1638	PAPER NUMBER
			MAIL DATE 01/07/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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JAN 07 2011

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ALSTON & BIRD LLP
 PIONEER HI-BRED INTERNATIONAL, INC.
 BANK OF AMERICA PLAZA
 101 SOUTH TRYON STREET, SUITE 4000
 CHARLOTTE NC 28280-4000

In re Application of: :
 Thomas C. Kevern :
 Serial No.: 12/252,619 : PETITION DECISION
 Filed: October 16, 2008 :
 Attorney Docket No.: 035718/385529

This is in response to the petition under 37 CFR § 1.59(b), filed December 17, 2010, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on December 20, 2010, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an unexamined application. As such the information provided has not been reviewed nor have proceedings in the application been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
 Marianne C. Seidel, Quality Assurance Specialist
 Technology Center 1600



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/252,619	10/16/2008	THOMAS CRAIG KEVERN	035718/385529	7773
29122 7590 02/24/2011 ALSTON & BIRD LLP PIONEER HI-BRED INTERNATIONAL, INC. BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			EXAMINER MEHTA, ASHWIN D	
			ART UNIT 1638	PAPER NUMBER
			MAIL DATE 02/24/2011	DELIVERY MODE PAPER

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The time period for reply, if any, is set in the attached communication.



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ALSTON & BIRD LLP
PIONEER HI-BRED INTERNATIONAL, INC.
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE NC 28280-4000

In re Application of:
Thomas Craig Kevern
Serial No.: 12/252,619
Filed: October 16, 2008
Attorney Docket No.: 035718/385529

:
:
: PETITION DECISION
:
:

This is in response to the renewed petition under 37 CFR § 1.59(b), filed February 18, 2011, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on December 20, 2010 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/252,700	10/16/2008	Wenqing Yao	20443-0100001 / INCY0028-	7910
26161 7590 08/29/2011 FISH & RICHARDSON P.C. (BO) P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER HABTE, KAHSAY	
			ART UNIT 1624	PAPER NUMBER
			NOTIFICATION DATE 08/29/2011	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com



AUG 29 2011

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Eifion Phillips, J.D., D. Phil.
FISH & RICHARDSON P.C. (BO)
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

In re Application of
Yao et al
Serial No.: 12/252,700
Filed : 16 October 2008
Attorney Docket No.: 20443-01000001/INCY0028- :
: Decision on Petition

This letter is in response to the Petition under 37 C.F.R. 1.144 filed on 16 May 2011 requesting reconsideration of the restriction requirement mailed 1 June 2010.

BACKGROUND

This application was filed as a national application under 35 U.S.C. 111(a) and as such is entitled to restriction practice described in Chapter 800.

On 3 December 2010, the examiner set forth a restriction requirement which divided claims 1-69 into seven groups.

On 3 February 2011, applicants elected Group V, with traverse.

On 15 February 2011, the examiner mailed to applicants a non-final Office action in which the traversal was considered, and the requirement was made final. Claims 66-69 and 78-86 were

withdrawn from consideration under 37 CFR 1.142(b) as being directed to non-elected subject matter. Claims 1, 4-10 and 65 were rejected under 35 U.S.C. 112, 2nd. The examiner indicated that claims 1-6, 8-10 and 22 would be allowable if the claims were amended to overcome the 112 rejections and to be rewritten solely to the elected compounds. Claims 64 and 70-77 were objected to for containing non-elected subject matter but would be allowable if applicants deleted non-elected species from the claims. Applicant was then recommended to delete withdrawn reach through claims 66-68. Applicants were also instructed to delete a list of disorders from withdrawn claims 69 and 78.

On 16 May 2011, applicants filed a response to the Office action along with this petition.

DISCUSSION

The file history and petition have been considered carefully.

The petition points out that the examiner has placed Markush claims into separate groups for the purposes of restriction. Because applicant's claims are drafted in Markush-type format, the petition argues that they should be considered under the guidelines of MPEP 803.02. This is persuasive.

Further, it is noted that on 9 February 2011, the Office issued a Federal Register Notice entitled "Supplemental Examination Guidelines for Determining Compliance with 35 U.S.C. 112 and for treatment of Related Issues in Patent Applications." Page 7166 sets forth guidelines for the treatment of Markush-type claims:

"Under principles of compact prosecution, the examiner should also require the applicant to elect a species or group of indistinct species for search and examination (i.e., an election of species). If the examiner does not find the species or group of indistinct species in the prior art, then the examiner should extend the search to those additional species that fall within the scope of a permissible Markush claim. In other words, the examiner should extend the search to the species that share a single structural similarity and a common use. The improper Markush claim should be examined for patentability over the prior art with respect to the elected species or group of indistinct species, as well as the species that share a single structural similarity and a common use with the elected species or group of indistinct species (i.e., the species that would fall within the scope of a proper Markush claim)."

In view of these new guidelines and guidance in MPEP 803.02, the restriction requirement between the embodiments of the product Markush claims (Groups I-VI) is found to be unwarranted and is hereby replaced with a provisional election of species requirement.

Lastly, applicant has argued that the examiner has not followed the election and examination practice for Markush claims. MPEP 803.02 requires extended examination of other embodiments. See:

Following election, the Markush-type claim will be examined fully with respect to the elected species and further to the extent necessary to determine patentability.

Instead, here the examiner has improperly objected to Markush claim for reciting non-elected species. This is not warranted.

DECISION

For these reasons, the petition filed under 37 CFR 1.144 on 16 May 2011 is **GRANTED** follows.

The intra-claim restriction requirement made between Groups I-VI on 3 December 2010 has been withdrawn and replaced with an election of species requirement.

The objection to claims for reciting non-elected species and any requirement to remove non-elected subject matter from the alternative of a claim has been withdrawn.

The application will be forwarded to the examiner to consider the papers filed 16 May 2011, and to prepare a supplemental Office action consistent with this petition decision. Markush claims are to be examined according to the guidance in MPEP 803.02 and the FR Notice of February 2011.

Should there be any questions regarding this decision, please contact Quality Assurance Specialist Julie Burke by mail addressed to Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at (571) 272-0512 or by Official Fax at 703-272-8300.



Remy Yucel
Director, Technology Center 1600



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FISH & RICHARDSON P.C. (BO)
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

MAILED

DEC 15 2011

OFFICE OF PETITIONS

In re Application :
Yao, et al. :
Application No. 12/252,700 : PATENT TERM ADJUSTMENT
Filing or 371(c) Date: October 16, 2008 :
Dkt. No.: 20443-0100001/INCY0028- :

This is in response to the application for patent term adjustment pursuant to 37 CFR 1.705(b) filed December 2, 2011.

The request for reconsideration of patent term adjustment is **GRANTED**.

Applicant submits that the correct patent term adjustment to be indicated on the patent is 252 days, not 251 days as calculated by the Office as of the mailing of the initial determination of patent term adjustment mailed September 2, 2011. Applicants assert that the application was improperly reduced one day in connection with the reply filed May 16, 2011.

The arguments presented have been carefully reviewed and found convincing with respect to the fact that the due date for reply (May 15, 2011) fell on a Sunday. In view thereof, as of the time of allowance, the application is entitled to a patent term adjustment of 252 days, as argued (252 days under 37 CFR 1.703(a) less zero days under 37 CFR 1.704).

The \$200.00 patent term adjustment application required per 37 CFR 1.18(e) has been charged to the authorized deposit account.

The application file is being forwarded to the Office of Data Management for issuance of the patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

The Adjusted PAIR Calculation can be assessed via public and/or private PAIR.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions



Patent Term Adjustments



PTA/PTE Information Patent Term Adjustment Patent Term Extension

Application Number*: 12252700 Search Explanation of PTA Calculation Explanation of PTE Calculation

PTA Calculations for Application: 12252700

Application Filing Date	10/16/2008	Overlapping Days Between (A and B) or (A and C)	0
Issue Date of Patent		Non-Overlapping USPTO Delays:	352
A Delays	352	PTO Manual Adjustment	1
B Delays	0	Applicant Delay (APPL)	1
C Delays	0	Total PTA (days)	352

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
73	12/13/2011		P028	Adjustment of PTA Calculation by PTO	1		0
57	09/02/2011		MN/=.	Mail Notice of Allowance			0
56	08/30/2011		OAR	Office Action Review			0
55	08/30/2011		OAR	Office Action Review			0
54	08/30/2011		IREV	Issue Revision Completed			0
53	08/30/2011		DVER	Document Verification			0
52	08/30/2011		N/=.	Notice of Allowance Data Verification Completed			0
51	08/29/2011		EX.A	Examiner's Amendment Communication			0
50	08/29/2011		CNTA	Allowability Notice			0
46	08/29/2011		MPTGR	Mail-Petition Decision - Granted			0
45	08/26/2011		PTGR	Petition Decision - Granted			0
41	05/18/2011		FWDX	Date Forwarded to Examiner			0
47	05/16/2011		IDSC	Information Disclosure Statement considered			0
44	05/16/2011		PET.	Petition Entered			0
43	05/16/2011		WIDS	Information Disclosure Statement (IDS) Filed			0
42	05/16/2011	05/16/2011	M844	Information Disclosure Statement (IDS) Filed			40
40	05/16/2011	05/15/2011	A...	Response after Non-Final Action		1	37
39	02/15/2011		ELC_RVW	Electronic Review			0
38	02/15/2011		EML_NTF	Email Notification			0
37	02/15/2011		MCTNF	Mail Non-Final Rejection			0
36	02/10/2011		CTNF	Non-Final Rejection			0
33	02/05/2011		FWDX	Date Forwarded to Examiner			0
32	02/03/2011		ELC.	Response to Election / Restriction Filed			0
31	02/03/2011		XT/G	Request for Extension of Time - Granted			0
30	12/03/2010		ELC_RVW	Electronic Review			0
29	12/03/2010		EML_NTF	Email Notification			0
28	12/03/2010	12/16/2009	MCTRS	Mail Restriction Requirement	352		0.5
27	11/30/2010		CTRS	Restriction/Election Requirement			0
35	01/19/2010		IDSC	Information Disclosure Statement considered			0
26	01/19/2010		RCAP	Reference capture on IDS			0
25	01/19/2010		M844	Information Disclosure Statement (IDS) Filed			0
24	01/19/2010		WIDS	Information Disclosure Statement (IDS) Filed			0
23	11/27/2009		EML_NTR	Email Notification			0
22	11/27/2009		PG-ISSUE	PG-Pub Issue Notification			0
19	08/06/2009		EML_NTR	Email Notification			0
18	08/06/2009		PA..	Change in Power of Attorney (May Include Associate POA)			0
34	01/26/2009		IDSC	Information Disclosure Statement considered			0
21	01/26/2009		RCAP	Reference capture on IDS			0
20	01/26/2009		M844	Information Disclosure Statement (IDS) Filed			0
17	01/26/2009		WIDS	Information Disclosure Statement (IDS) Filed			0
16	01/06/2009		DOCK	Case Docketed to Examiner in GAU			0
15	12/19/2008		TSSCOMP	IFW TSS Processing by Tech Center Complete			0
14	12/15/2008		OIPE	Application Dispatched from OIPE			0
13	12/08/2008		EML_NTR	Email Notification			0
11	12/08/2008		FLRCPT.U	Filing Receipt - Updated			0
12	12/05/2008		PGPC	Sent to Classification Contractor			0
10	12/02/2008		ADDFLFE	Additional Application Filing Fees			0
9	12/02/2008		OATHDECL	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applicant			0
8	10/31/2008		ELC_RVW	Electronic Review			0
7	10/31/2008		EML_NTF	Email Notification			0
6	10/31/2008		EML_NTR	Email Notification			0
5	10/31/2008		FLRCPT.O	Filing Receipt			0
4	10/31/2008		INCD	Notice Mailed--Application Incomplete--Filing Date Assigned			0
3	10/20/2008		L194	Cleared by OIPE CSR			0
2	10/16/2008		SCAN	IFW Scan & PACR Auto Security Review			0
1	10/16/2008		IEXX	Initial Exam Team nn			0
0.5	10/16/2008		EFILE	Filing date			0

Export to: Excel

**CERTIFICATION AND REQUEST
FOR RELIEF DUE TO EVENTS OF MARCH 11, 2011, IN JAPAN** (Page 1 of 2)

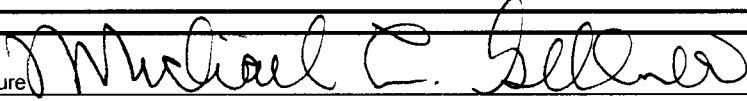
Nonprovisional Application Number or Control Number (if applicable): 12/252,724	Patent Number (if applicable):
First Named Inventor: Kazushige KANDA	Title of Invention: SEMICONDUCTOR MEMORY DEVICE

APPLICANT/PATENTEE/REEXAMINATION PARTY HEREBY CERTIFIES AND REQUESTS THE FOLLOWING FOR THE ABOVE-IDENTIFIED APPLICATION/PATENT/REEXAMINATION PROCEEDING.

1. FOR PATENT APPLICATIONS AND REEXAMINATION PROCEEDINGS PENDING IN THE USPTO AS OF MARCH 11, 2011, IN WHICH A COMMUNICATION FROM THE USPTO IS SOUGHT TO BE REMAILED:
 - a. One or more inventors, an assignee, or a correspondence address (for the application/proceeding) is in an area of Japan affected by the earthquake and/or tsunami of March 11, 2011.
 - b. A reply or response to an Office action (final, non-final, or other), a notice of allowance, or other Office notice (hereinafter collectively referred to as "Office communication") is outstanding.
 - c. The statutory or non-statutory time period set for response has not yet expired.
 - d. Withdrawal and reissuance of the Office communication is requested.
 - e. It is acknowledged that if this request is not made within sufficient time so that withdrawal and reissuance of the Office communication occur prior to expiration of the statutory or non-statutory time period (as permitted to be extended under 37 CFR 1.136(a), or as extended under 37 CFR 1.550(c) or 1.956), this request may not be granted.
 - f. The need for the reissuance of the Office communication was due to the effects of the earthquake and/or tsunami of March 11, 2011.
 - g. This request is being sent via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
2. FOR PATENTEES WHO WERE UNABLE TO TIMELY PAY A PATENT MAINTENANCE FEE DURING THE SIX-MONTH GRACE PERIOD FOLLOWING THE WINDOW TO PAY THE MAINTENANCE FEE:
 - a. The original window of time to pay the maintenance fee without the surcharge required by 37 CFR 1.20(h) expired on or after March 11, 2011.
 - b. The delay in paying the fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.
 - c. The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(h) for paying a maintenance fee during the six-month grace period following the window to pay the maintenance fee.
 - d. This request and payment of the maintenance fee during the six-month grace period following the window to pay the maintenance fee is being mailed to: Director of the United States Patent and Trademark Office, Attn: Maintenance Fee, 2051 Jamieson Avenue, Suite 300, Alexandria, VA 22314; or being transmitted via facsimile to: 571-273-6500.

**CERTIFICATION AND REQUEST
FOR RELIEF DUE TO EVENTS OF MARCH 11, 2011, IN JAPAN** (Page 2 of 2)

3. FOR PATENTEES WHO NEED TO FILE A PETITION TO ACCEPT A DELAYED MAINTENANCE FEE PAYMENT UNDER 37 CFR 1.378(c):
- The maintenance fee payment was required to have been paid after March 10, 2011.
 - A petition under 37 CFR 1.378(c) (using USPTO form PTO/SB/66 – Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(c))) is being promptly filed accompanied by the applicable maintenance fee payment (but not the surcharge under 37 CFR 1.20(i)).
 - The delay in payment of the maintenance fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.
 - The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(i) for accepting a delayed maintenance fee payment.
 - It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed by March 11, 2012, in order to be entitled to a waiver of the surcharge under 37 CFR 1.20(i).
 - It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed within twenty-four months from the expiration date of the patent. See 35 U.S.C 41(c).
 - This request and the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) is being submitted via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
4. FOR NONPROVISIONAL PATENT APPLICATIONS FILED WITHOUT AN EXECUTED OATH OR DECLARATION OR PAYMENT OF THE BASIC FILING FEE, SEARCH FEE, AND/OR EXAMINATION FEE:
- The nonprovisional patent application was filed on or after March 11, 2011, and prior to April 12, 2011.
 - The late filing of the oath or declaration or the basic filing fee, search fee, or examination fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.
 - The USPTO is requested to *sua sponte* waive the surcharge set forth in 37 CFR 1.16(f) for the late filing of the oath or declaration or basic filing fee, search fee, and/or examination fee.
 - This request, together with the executed oath or declaration or the basic filing fee, search fee, or examination fee, as well as the reply to the Notice to File Missing Parts, is being submitted via EFS-Web or by mail directed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature 	Date <u>4-20-11</u>
Name (Print/Typed) Eckhard H. Kuesters	Practitioner Registration Number 28,870
<p>Note: Signatures of all the inventors, § 1.41(b) applicants, or assignees of record of the entire interest or their representative(s), or reexamination requesters at the appeal stage are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.</p>	
<input type="checkbox"/> *Total of <u>1</u> forms are submitted.	

Michael L. Gellner
Registration No. 27,256



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

MAILED

APR 22 2011

OFFICE OF PETITIONS

In re Application of	:	
Kazushige Kanda	:	
Application No. 12/252,724	:	DECISION ON PETITION
Filed: October 16, 2008	:	
Attorney Docket No. 333606US2	:	

This is a decision on the request filed April 20, 2011, seeking relief under the provisions of an announcement by the Under Secretary and Director of the United States Patent and Trademark Office on March 17, 2011, http://www.uspto.gov/patents/announce/japan_relief_2011mar17.pdf, providing relief to inventors and patent owners in areas affected by the earthquake and resulting tsunami of March 11, 2011.

The request for relief is **GRANTED**.

In the above-identified application, an Office action was mailed on January 21, 2011. The instant petition was filed prior to the expiration of the period for reply and the certifications for granting of relief are considered to be met by the submission of the request.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

This application is being referred to the Technology Center, Art Unit 2117 for re-mailing the Office action of January 21, 2011. The period for reply will run from the mailing date of the Office action.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/252,776	10/16/2008	Fci Philip Lee	506874	8052
53609 7590 01/11/2012 REINHART BOERNER VAN DEUREN P.C. 2215 PERRYGREEN WAY ROCKFORD, IL 61107			EXAMINER BRINSON, PATRICK F	
			ART UNIT 3754	PAPER NUMBER
			NOTIFICATION DATE 01/11/2012	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

RockMail@reinhartlaw.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

REINHART BOERNER VAN DEUREN P.C.
2215 PERRYGREEN WAY
ROCKFORD IL 61107

In re Application of:

LEE, FEI PHILIP et al

Serial No.: 12/252,776

Filed: October 16, 2008

Docket: 506874

Title: MULTI-TUBULAR FLUID TRANSFER
CONDUIT

DECISION ON PETITION TO
WITHDRAW RESTRICTION
REQUIREMENT UNDER 37
CFR § 1.144

This is a decision on the petition filed on December 23, 2011 by which petitioner requests reconsideration and withdrawal of the restriction requirement mailed August 18, 2011, and that non-elected claims 15-21 be rejoined and examined on the merits. Claims 1-14 and 22-30 were elected and examined and claims 15-21 were withdrawn from consideration due to non-elected invention. This petition is being considered pursuant to 37 CFR 1.144 and 37 CFR 1.181, and no fee is required.

The petition is **GRANTED**

In finding petitioner's points of argument persuasive, the requested relief is granted. The restriction requirement mailed on August 18, 2011 is hereby withdrawn. Claims 15-21 will be rejoined. The examiner has been requested to issue an Office action to rejoin and treat the non-elected claims 15-21 along with the other elected claims in the Rule '111 Amendment as filed on December 23, 2011.

The application is being forwarded to the examiner via the Supervisory Patent Examiner of Art Unit 3751 for consideration of the Rule 111 Amendment of December 23, 2011. Any inquiry regarding this decision should be directed to Henry C. Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION GRANTED.


Donald T. Hajec, Director
Technology Center



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

VONBRIESEN & ROPER, S.C.
411 EAST WISCONSIN AVENUE, SUITE 700
MILWAUKEE WI 53202

MAILED

MAY 18 2011

OFFICE OF PETITIONS

In re Application of :
Kenneth Raymond Wills :
Application No. 12/252,839 : **DECISION ON PETITION**
Filed: October 16, 2008 :
Attorney Docket No. 010203-00018 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 24, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, September 17, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were timely obtained. Accordingly, the application became abandoned on December 18, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee of \$810.00, and (3) a proper statement of unintentional delay.

Additionally, an extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See In re Application of S.*, 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$555.00, three-month extension of time fee submitted with the petition on March 24, 2011 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be refunded to petitioner's deposit account in due course. Further, petitioner has also submitted an unnecessary terminal disclaimer and \$70.00 fee. This fee will also be refunded to petitioner's deposit account in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to Technology Center AU 3788 for appropriate action by the Examiner in the normal course of business on the reply received.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/252,868	10/16/2008	Hideo Ichikawa	063009-5036-US	8227
9629 7590 08/16/2011 MORGAN LEWIS & BOCKIUS LLP (WA) 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004			EXAMINER WONG, JOSEPH S	
			ART UNIT 2852	PAPER NUMBER
			MAIL DATE 08/16/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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Alexandria, VA 22313-1450
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MORGAN LEWIS & BOCKIUS LLP (WA)
1111 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20004

In re Application of	:	
ICHIKAWA ET AL.	:	DECISION ON PETITION
Application No. 12/252,868	:	TO ACCEPT COLOR
Filed: October 16, 2008	:	DRAWINGS
Attorney Docket No. 063009-5036-US	:	

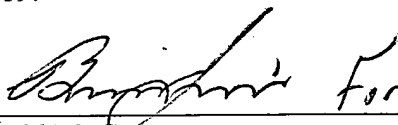
This is a decision on the petition under 37 C.F.R. 1.84(a)(2), filed on January 22, 2009 to permit color drawings for the above-identified application.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a)(2) requires submission of the following: 1) the appropriate fee set forth in 37 C.F.R. 1.17(h); 2) three sets of color drawings; and 3) the required text language in the first paragraph of the brief description of the drawings section of the specification set forth in 37 C.F.R. 1.84 (a)(2)(iii). The requirement for three sets of color drawings under 37 C.F.R. 1.84(a)(2)(ii) is not applicable to color drawings submitted via Electronic Filing System-Web ("EFS-Web"). Therefore, only one set of such color drawings is necessary when filing via EFS-Web.

The documents filed on January 22, 2009 comply with the requirements set forth in 37 C.F.R. 1.84(a)(2) and the Legal Framework for EFS-Web.

Telephone inquiries concerning this decision should be directed to David M. Gray at 571-272-2119.



David M. Gray
Supervisory Patent Examiner, Art Unit 2852
Technology Center 2800



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE NC 28280-4000

MAILED
AUG 11 2011
OFFICE OF PETITIONS

In re Application of :
Norman J. Krug :
Application No. 12/252,992 :
Filed: October 16, 2008 :
Attorney Docket No. 053913/347758 :

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed July 12, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks a forwarding correspondence address of the first named inventor or a properly intervening assignee.

If the forwarding correspondence address is to the assignee, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *that properly became of record under 37 CFR 3.71*. 37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **MOJACK DISTRIBUTORS, LLC**
3983 N. WOODLAWN COURT
WICHITA, KANSAS 67220

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)	
Application Number	12253090	
Filing Date	16-Oct-2008	
First Named Inventor	Reinhold POLLNER	
Art Unit	1634	
Examiner Name	JEHANNE SITTON	
Attorney Docket Number	GP163-03.DV1	
Title	COMPOSITIONS FOR DETECTING GROUP A STREPTOCOCCI	
<p>An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.</p> <p>APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).</p> <p>A grantable petition requires the following items:</p> <p>(1) Petition fee; and</p> <p>(2) One of the following reasons:</p> <p>(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;</p> <p>(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or</p> <p>(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).</p>		
<p>Petition Fee</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY</p>		
Reason for withdrawal from issue		

- ☐ One or more claims are unpatentable
- ☒ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- ☐ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

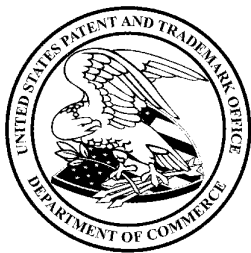
- ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that:
- ☐ The RCE request, submission, and fee have already been filed in the above-identified application on
- ☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- ☐ A joint inventor; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Yan Leychkis/
Name	Yan Leychkis
Registration Number	60440



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : April 20, 2012

In re Application of :

Reinhold POLLNER

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12253090

Filed : 16-Oct-2008

Attorney Docket No : GP163-03.DV1

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed April 20, 2012 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 1634 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 05-25-11

TO SPE OF : ART UNIT 1648

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/253094 Patent No.: 7867483

CofC mailroom date: 02-07-11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

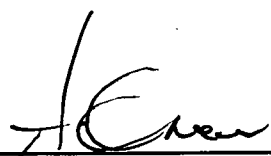
Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580



Angela Green
Certificates of Correction Branch
(703) 756-1541

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not apply.**

☐ **Denied**

State the reasons for denial below.

Comments: _____

SPE Zachariah Lucas

Art Unit 1648



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

MAILED
MAR 27 2012
OFFICE OF PETITIONS

In re Patent No. 8,064,678	:	
Issue Date: November 22, 2011	:	
Application No. 12/253,163	:	NOTICE
Filed: October 16, 2008	:	
Attorney Docket No. 92101-759102	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-1642.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MYERS ANDRAS SHERMAN LLP
19900 MACARTHUR BLVD.
SUITE 1150
IRVINE CA 92612

MAILED
JAN 31 2011
OFFICE OF PETITIONS

In re Application of	:
Fadel M.Y. OTHMAN	:
Application No. 12/253,260	: DECISION ON PETITION
Filed: October 17, 2008	: UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. OTH1.PAU.e01	:

This is a decision on the petition under 37 CFR 1.78(a)(6), filed October 08, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority to a prior-filed provisional application.

The petition is **DISMISSED**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

- (1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

This pending nonprovisional application was filed on October 17, 2008, within twelve months of the filing date of the prior-filed provisional application, Application No. 60/981,512, which was filed on October 21, 2007, and for which priority is claimed. A reference to the prior-filed provisional application has been included in an amendment to the first sentence of the specification following the title.

However, the amendment is not acceptable as drafted since it improperly incorporates by reference the prior-filed application. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (see 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 119(e) after the filing date of the application, the amendment would

not be proper. When a benefit claim under 35 U.S.C. § 119(e) is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. See Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). Note MPEP §§ 201.06(c) and 608.04(b).

Accordingly, before the petition under 37 CFR 1.78(a)(6) can be granted, a renewed petition under 37 CFR 1.78(a)(6) and either an Application Data Sheet or a substitute amendment (complying with 37 CFR 1.121 and 37 CFR 1.76(b)(5)) deleting the incorporation by reference statement, are required.

As authorized, the \$1,410.00 fee required by 37 CFR 1.78(a)(6)(ii) will be charged to petitioner's Deposit Account.

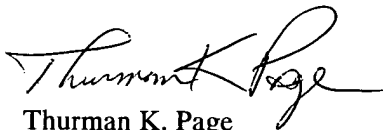
Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: Customer Service Window
 Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By fax: (571) 273-8300
 ATTN: Office of Petitions

Any questions concerning this matter may be directed to Michelle R. Eason at (571) 272-4231.



Thurman K. Page
Petitions Examiner
Office of Petitions

cc: **MYERS ANDRAS SHERMAN & ZARRABIAN LLP**
 (SAMSUNG R&D CENTER)
 1411 5TH STREET, SUITE 306
 SANTA MONICA, CA 90401

OTH1.PAU.e01

PATENT APPLICATION

UNITED STATES DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
PATENT EXAMINATION BRANCH

Applicant: Fadel M.Y. Othman) Examiner: Unknown
)
Application No.: 12/253,260) Group Art Unit: 3611
)
Filed: October 17, 2008) Confirmation No.: 8942
)
Title: WHEELED PERSONAL)
TRANSPORTATION DEVICE)
POWERED BY WEIGHT OF THE)
USER: THE AUTOSHOE)

PETITION TO CORRECT UNINTENTIONALLY DELAYED PRIORITY
CLAIM

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby petitions under 37 CFR §1.78 to claim the benefit of priority for the above application. The reference required is included in the attached preliminary amendment as follows: "This application claims the benefit of and priority to U.S. Provisional Patent Application No. 60/981,512 filed October 21, 2007, entitled "A WHEELED PERSONAL TRANSPORTATION DEVICE POWERD BY THE WEIGHT OF THE USER AUTOSHOE," the disclosure of which is incorporated herein by reference as if set forth in its entirety."

The petition surcharge fee for a small entity is paid via credit card. Applicant submits that the entire delay between the date the claim was due under 37 CFR §1.78 and the date the claim is being filed was unintentional.

If necessary, the Commissioner is hereby authorized in this petition, to charge payment or credit any over payment to Deposit Account No. 01-1960 for any additional fees required under 37 C.F.R. §1.116 or 1.117.

Please direct all correspondence to **Myers Andras Sherman & Zarrabian LLP**,
1411 5th Street, Suite 306, Santa Monica, California 90401.

Respectfully submitted,

<u>/MZ/</u>	<u>October 8, 2010</u>
Michael Zarrabian	Date
Registration No. 39,886	
Myers Andras Sherman & Zarrabian LLP	
1411 5 th Street, Suite 306	
Santa Monica, California 90401	
(424) 229-6800	
(424) 229-6815 - fax	
USPTO Customer No.: 97001	

Amendment to the Title

Please replace the title with the following replacement title:

WHEELED PERSONAL TRANSPORTATION DEVICE POWERED BY WEIGHT OF THE USER: THE AUTOSHOE

Please add the following header and paragraph after the title as follows:

CROSS-REFERENCE TO RELATED APPLICATIONS

This application claims the benefit of and priority to U.S. Provisional Patent Application No. 60/981,512 filed October 21, 2007, entitled "A WHEELED PERSONAL TRANSPORTATION DEVICE POWERD BY THE WEIGHT OF THE USER AUTOSHOE," the disclosure of which is incorporated herein by reference as if set forth in its entirety.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MYERS ANDRAS SHERMAN & ZARRABIAN LLP
1411 5TH STREET, SUITE 306
SANTA MONICA CA 90401

MAILED

APR 11 2011

OFFICE OF PETITIONS

In re Application of	:	
Fadel M. Y. OTHMAN	:	
Application No. 12/253,260	:	DECISION ON PETITION
Filed: October 17, 2008	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. OTH1.PAU.e01	:	

This is a decision on the renewed petition under 37 CFR 1.78(a)(6), filed March 03, 2011, to accept an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of the prior-filed provisional application set forth in the concurrently filed amendment.

The petition is **GRANTED**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

- (1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Further, the nonprovisional application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 119(e) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed provisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Michelle R. Eason at (571) 272-4231. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

The application is being forwarded to Technology Center AU 3611 for consideration by the examiner of the claim under 35 U.S.C. §119(e) for the benefit of priority to the prior-filed provisional application.



Thurman K. Page
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/253,260	10/17/2008	3611	462	OTH1.PAU.e01	20	3

CONFIRMATION NO. 8942

CORRECTED FILING RECEIPT



OC000000047004823

Date Mailed: 04/07/2011

99435

Myers Andras Sherman & Zarrabian LLP
1411 5th Street, Suite 306
Santa Monica, CA 90401

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

FADEL M.Y. OTHMAN, Residence Not Provided;

Power of Attorney: The patent practitioners associated with Customer Number 23386

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/981,512 10/21/2007

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

If Required, Foreign Filing License Granted: 10/28/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/253,260**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

WHEELED PERSONAL TRANSPORTATION DEVICE POWERD BY WEIGHT OF THE USER: THE AUTOSHOE

Preliminary Class

280

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where

the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

**CERTIFICATION AND REQUEST
FOR RELIEF DUE TO EVENTS OF MARCH 11, 2011, IN JAPAN** (Page 1 of 2)

Nonprovisional Application Number or Control Number (if applicable): 12/253,262	Patent Number (if applicable):
First Named Inventor: Imano et al.	Title of Invention: NICKEL BASED ALLOY FOR FORGING

APPLICANT/PATENTEE/REEXAMINATION PARTY HEREBY CERTIFIES AND REQUESTS THE FOLLOWING FOR THE ABOVE-IDENTIFIED APPLICATION/PATENT/REEXAMINATION PROCEEDING.

1. FOR PATENT APPLICATIONS AND REEXAMINATION PROCEEDINGS PENDING IN THE USPTO AS OF MARCH 11, 2011, IN WHICH A COMMUNICATION FROM THE USPTO IS SOUGHT TO BE REMAILED:
 - a. One or more inventors, an assignee, or a correspondence address (for the application/proceeding) is in an area of Japan affected by the earthquake and/or tsunami of March 11, 2011.
 - b. A reply or response to an Office action (final, non-final, or other), a notice of allowance, or other Office notice (hereinafter collectively referred to as "Office communication") is outstanding on March 11, 2011.
 - c. The statutory or non-statutory time period set for response has not yet expired.
 - d. Withdrawal and reissuance of the Office communication is requested.
 - e. It is acknowledged that if this request is not made within sufficient time so that withdrawal and reissuance of the Office communication occur prior to expiration of the statutory or non-statutory time period (as permitted to be extended under 37 CFR 1.136(a), or as extended under 37 CFR 1.550(c) or 1.956), this request may not be granted.
 - f. The need for the reissuance of the Office communication was due to the effects of the earthquake and/or tsunami of March 11, 2011.
 - g. This request is being sent via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
2. FOR PATENTEES WHO WERE UNABLE TO TIMELY PAY A PATENT MAINTENANCE FEE DURING THE SIX-MONTH GRACE PERIOD FOLLOWING THE WINDOW TO PAY THE MAINTENANCE FEE:
 - a. The original window of time to pay the maintenance fee without the surcharge required by 37 CFR 1.20(h) expired on or after March 11, 2011.
 - b. The delay in paying the fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.
 - c. The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(h) for paying a maintenance fee during the six-month grace period following the window to pay the maintenance fee.
 - d. This request and payment of the maintenance fee during the six-month grace period following the window to pay the maintenance fee is being mailed to: Director of the United States Patent and Trademark Office, Attn: Maintenance Fee, 2051 Jamieson Avenue, Suite 300, Alexandria, VA 22314; or being transmitted via facsimile to: 571-273-6500.

**CERTIFICATION AND REQUEST
FOR RELIEF DUE TO EVENTS OF MARCH 11, 2011, IN JAPAN** (Page 2 of 2)

3. FOR PATENTEES WHO NEED TO FILE A PETITION TO ACCEPT A DELAYED MAINTENANCE FEE PAYMENT UNDER 37 CFR 1.378(c):
- The maintenance fee payment was required to have been paid after March 10, 2011.
 - A petition under 37 CFR 1.378(c) (using USPTO form PTO/SB/66 – Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(c))) is being promptly filed accompanied by the applicable maintenance fee payment (but not the surcharge under 37 CFR 1.20(i)).
 - The delay in payment of the maintenance fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.
 - The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(i) for accepting a delayed maintenance fee payment.
 - It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed by March 11, 2012, in order to be entitled to a waiver of the surcharge under 37 CFR 1.20(i).
 - It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed within twenty-four months from the expiration date of the patent. See 35 U.S.C 41(c).
 - This request and the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) is being submitted via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
4. FOR NONPROVISIONAL PATENT APPLICATIONS FILED WITHOUT AN EXECUTED OATH OR DECLARATION OR PAYMENT OF THE BASIC FILING FEE, SEARCH FEE, AND/OR EXAMINATION FEE:
- The nonprovisional patent application was filed on or after March 11, 2011, and prior to April 12, 2011.
 - The late filing of the oath or declaration or the basic filing fee, search fee, or examination fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.
 - The USPTO is requested to *sua sponte* waive the surcharge set forth in 37 CFR 1.16(f) for the late filing of the oath or declaration or basic filing fee, search fee, and/or examination fee.
 - This request, together with the executed oath or declaration or the basic filing fee, search fee, or examination fee, as well as the reply to the Notice to File Missing Parts, is being submitted via EFS-Web or by mail directed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature <u>/Alan E. Schiavelli/</u>	Date <u>6/23/11</u>
Name (Print/Typed) <u>Alan E. Schiavelli</u>	Practitioner Registration Number <u>32,087</u>
<p>Note: Signatures of all the inventors, § 1.41(b) applicants, or assignees of record of the entire interest or their representative(s), or reexamination requesters at the appeal stage are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.</p>	
<input type="checkbox"/> *Total of _____ forms are submitted.	

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/253,281	10/17/2008	Youichi Akasaka	064731.0690	8993
5073 7590 12/16/2011 BAKER BOTTS L.L.P. 2001 ROSS AVENUE SUITE 600 DALLAS, TX 75201-2980			EXAMINER SEDIGHIAN, REZA	
			ART UNIT 2613	PAPER NUMBER
			NOTIFICATION DATE 12/16/2011	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptomail1@bakerbotts.com
glenda.orrantia@bakerbotts.com



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BAKER BOTTS L.L.P.
2001 ROSS AVENUE
SUITE 600
DALLAS TX 75201-2980

In re Application of
Youichi Akasaka
Application No. 12/ 253281
Filed: 10/17/2008
Attorney Docket No. 064731.0690

: NOTICE OF WITHDRAWAL
: FROM ISSUE
: UNDER 37 C.F.R. 1.313(b)
:

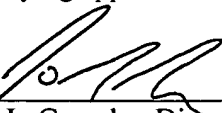
The purpose of this communication is to inform you that the above identified application is being withdrawn from issue pursuant to 37 C.F.R. 1.313.

The above-identified application is hereby withdrawn from issue.

Patent and Trademark Office records reveal that the issue fee has not been paid. If the issue fee has been submitted, the applicant may request a refund, or may request that the fee be credited to a deposit account. However, applicant may wait until the application is either again found allowable or held abandoned. If the application is allowed, upon receipt of a new Notice of Allowance and Issue Fee Due, applicant may request that the previously submitted issue fee be applied toward payment of the issue fee in the amount identified on the new Notice of Allowance and Issue Fee Due. If the application is abandoned, applicant may request either a refund or a credit to a deposit account.

Telephone inquiries should be directed to Kenneth Vanderpuye at (571) 272-3078.

The above-identified application is being forwarded to the examiner for prompt appropriate action, including notifying applicant of the new status of this application.



John LeGuyader, Director
Technology Center 2600

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	
Application Number	12253303	
Filing Date	17-Oct-2008	
First Named Inventor	Richard Claus	
Art Unit	1787	
Examiner Name	SAMIR SHAH	
Attorney Docket Number	423-0029	
Title	SENSOR APPLICATIONS	
<p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.</p> <p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <ol style="list-style-type: none"> 1. Petition fee; 2. Reply and/or issue fee; 3. Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications; 4. Statement that the entire delay was unintentional. 		
<p>Petition fee</p> <p>The petition fee under 37CFR 1.17(m) is attached.</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY.</p>		
<p>Reply Fee</p> <p><input checked="" type="checkbox"/> A reply in the form of a continuing application with serial number 12987225 has been previously filed on 01-10-2011</p>		

Terminal disclaimer with disclaimer fee

☒ Terminal disclaimer and fee are not required

☐ I certify, in accordance with 37 CFR 1.4(d)(4) that the terminal disclaimer and fee have already been filed in the above-identified application on

☐ Terminal disclaimer and fee are attached

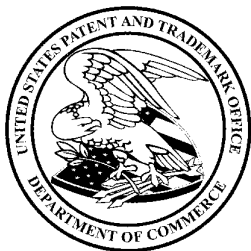
☒ STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☐ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☒ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors.
- ☐ A joint inventor; all of whom are signing this e-petition.
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71.

Signature	/Edgar Rodriguez/
Name	Edgar G. Rodriguez
Registration Number	63604



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : February 29, 2012

In re Application of :

DECISION ON PETITION

Richard Claus

Application No : 12253303

Filed : 17-Oct-2008

Attorney Docket No : 423-0029

This is an electronic decision on the petition under 37 CFR 1.137(b), filed February 29, 2012 , to revive the above-identified application .

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to an Office action. The date of abandonment is the day after the expiration date of the period set for reply in the Office action or action plus any extensions of time actually obtained.

The electronic petition satisfies the requirements of 37 CFR 1.137(b) in that the practitioner has supplied (1) the reply in the form of a continuing application, (2) the petition fee under 37 CFR 1.17(m), and (3) a proper statement of unintentional delay.

The above-identified application is being revived solely for purposes of continuity. As continuity has been established by this decision reviving the above-identified application, the above-identified application is again abandoned in favor of continuing application No 12987225 filed on 01-10-2011

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions



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United States Patent and Trademark Office
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Brinks Hofer Gilson & Lione/Ann Arbor
524 South Main Street
Suite 200
Ann Arbor MI 48104

MAILED

SEP 26 2011

In re Application of :
David Mogan :
Application No. 12/253,308 :
Filed: October 17, 2008 :
Attorney Docket No. 14042-82 :
OFFICE OF PETITIONS
DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 29, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely submit corrected drawings on or before August 9, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed May 9, 2011. Accordingly, the date of abandonment of this application is August 12, 2011. The Notice of Abandonment was mailed August 22, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) corrected drawings, (2) the petition fee of \$1,620; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to the Office of Data Management for processing into a patent.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BIPAR SCIENCES INC. C/O MORRISON & FOERSTER LLP
755 PAGE MILL ROAD
PALO ALTO CA 94304

MAILED

FEB 07 2012

OFFICE OF PETITIONS

In re Application of
Glenn Noronha et al.
Application No. 12/253,374
Filed: October 17, 2008
Attorney Docket No. 686472000701

:
: **DECISION ON APPLICATION**
: **FOR PATENT TERM ADJUSTMENT**
:

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR § 1.705" filed January 25, 2012. Applicants request that the patent term adjustment at the time of the mailing of the Notice of Allowance be corrected from 490 days to 458 days.

The application for patent term adjustment is **GRANTED**.

On October 26, 2011, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is 490 days. Applicants state that "the USPTO issued a Notice to File Corrected Application Papers on March 11, 2009. Applicant filed a response to the Notice on July 13, 2009. Thus, Applicant submits that the filing of the reply on July 13, 2009 should have resulted in a reduction of PTA by 32 days. Pursuant to 37 CFR 1.704(b), a period of reduction of 32 days should have been entered. 37 CFR 1.704(b) provides that:

With respect to the grounds for adjustment set forth in §§ 1.702(a) through (e), and in particular the ground of adjustment set forth in § 1.702(b), an applicant shall be deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods of time in excess of three months that are taken to reply to any notice or action by the Office making any rejection, objection, argument, or other request, measuring such three-month period from the date the notice or action was mailed or given to the applicant, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date that is three months after the date of mailing or transmission of the Office communication notifying the applicant

of the rejection, objection, argument, or other request and ending on the date the reply was filed. The period, or shortened statutory period, for reply that is set in the Office action or notice has no effect on the three-month period set forth in this paragraph.

In this instance, applicants did fail to engage in reasonable efforts to conclude processing of the application by failing to reply to the Notice to File Corrected Application Papers mailed March 11, 2009 within the three-month period provided for in 37 CFR 1.704(b). Applicants did not file a complete and proper response until July 13, 2009. Accordingly, a period of reduction of 32 days is being entered for the period beginning on June 12, 2009, the day after the date that is three months after the date of mailing of the Notice, and ending on July 13, 2009, the date applicants' reply was filed.

In view thereof, the determination of Patent Term Adjustment at the time of the mailing of the notice of allowance is FOUR HUNDRED FIFTY-EIGHT (458) days (490 days of Office delay reduced by 32 days of applicant delay).

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b). No additional fees are required.

Applicants are reminded that any delays by the Office pursuant to 37 CFR 1.702(a)(4) and 1.702(b) and any applicant delays under 37 CFR 1.704(c)(10) will be calculated at the time of the issuance of the patent and applicants will be notified of the revised patent term adjustment to be indicated on the patent in the Issue Notification letter that is mailed to applicants approximately three weeks prior to issuance.

The Office of Data Management has been advised of this decision. This matter is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3212.



Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of Revised PALM Screen



Patent Term Adjustments



PTA/PTE Information Patent Term Adjustment Patent Term Extension

Application Number*: 12253374

[Search](#)

[Explanation of PTA Calculation](#)

[Explanation of PTE Calculation](#)

PTA Calculations for Application: 12253374

Application Filing Date	10/17/2008	Overlapping Days Between (A and B) or (A and C)	0
Issue Date of Patent		Non-Overlapping USPTO Delays	490
A Delays	490	PTO Manual Adjustment	-32
B Delays	0	Applicant Delay (APPL)	0
C Delays	0	Total PTA (days)	458

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
107	02/04/2012		P028	Adjustment of PTA Calculation by PTO		32	0
95	10/26/2011		MN/=.	Mail Notice of Allowance			0
94	10/21/2011		OAR	Office Action Review			0
93	10/21/2011		IREV	Issue Revision Completed			0
92	10/21/2011		N/=.	Notice of Allowance Data Verification Completed			0
91	10/21/2011		DVER	Document Verification			0
90	10/20/2011		CNTA	Allowability Notice			0
87	09/15/2011		FWDX	Date Forwarded to Examiner			0
89	09/09/2011		IDSC	Information Disclosure Statement considered			0
88	09/09/2011	09/09/2011	M844	Information Disclosure Statement (IDS) Filed			86
86	09/09/2011		A.QU	Response after Ex Parte Quayle Action			0
85	09/09/2011		WIDS	Information Disclosure Statement (IDS) Filed			0
84	08/25/2011		EML_NTR	Email Notification			0
83	08/25/2011		MEXIN	Mail Examiner Interview Summary (PTOL - 413)			0
82	08/22/2011		OAR	Office Action Review			0
81	08/22/2011		OAR	Office Action Review			0
80	08/22/2011		EXIE	Interview Summary - Examiner Initiated			0
79	08/22/2011		EXIN	Examiner Interview Summary Record (PTOL - 413)			0
78	08/08/2011		ELC_RVW	Electronic Review			0
77	08/08/2011		EML_NTF	Email Notification			0
76	08/08/2011		MCTEQ	Mail Ex Parte Quayle Action (PTOL - 326)			0
75	08/02/2011		OAR	Office Action Review			0
74	07/27/2011		OAR	Office Action Review			0
73	07/26/2011		CTEQ	Quayle action			0
63	07/19/2011		FWDX	Date Forwarded to Examiner			0
72	07/12/2011		IDSC	Information Disclosure Statement considered			0
65	07/12/2011		RCAP	Reference capture on IDS			0
64	07/12/2011	07/12/2011	M844	Information Disclosure Statement (IDS) Filed			62
62	07/12/2011		ELC.	Response to Election / Restriction Filed			0
61	07/12/2011		XT/G	Request for Extension of Time - Granted			0
60	07/12/2011		WIDS	Information Disclosure Statement (IDS) Filed			0
59	06/23/2011		EML_NTR	Email Notification			0
58	06/23/2011		MEXIN	Mail Examiner Interview Summary (PTOL - 413)			0
57	06/17/2011		OAR	Office Action Review			0
56	06/17/2011		EXIN	Examiner Interview Summary Record (PTOL - 413)			0
55	04/21/2011		ELC_RVW	Electronic Review			0
54	04/21/2011		EML_NTF	Email Notification			0
53	04/21/2011	12/17/2009	MCTRS	Mail Restriction Requirement	490		0.5
52	04/11/2011		OAR	Office Action Review			0
51	04/08/2011		CTRS	Restriction/Election Requirement			0
50	10/15/2010		PA..	Change in Power of Attorney (May Include Associate POA)			0
49	10/14/2010		C.AD	Correspondence Address Change			0
48	05/27/2010		DOCK	Case Docketed to Examiner in GAU			0
46	11/06/2009		EML_NTR	Email Notification			0
45	11/05/2009		PG-ISSUE	PG-Pub Issue Notification			0
66	08/19/2009		IDSC	Information Disclosure Statement considered			0
47	08/19/2009		A.PE	Preliminary Amendment			0
44	08/19/2009		RCAP	Reference capture on IDS			0
43	08/19/2009		M844	Information Disclosure Statement (IDS) Filed			0
42	08/19/2009		WIDS	Information Disclosure Statement (IDS) Filed			0
41	07/21/2009		EML_NTR	Email Notification			0
39	07/21/2009		FLRCPT.U	Filing Receipt - Updated			0
40	07/20/2009		WROIPE	Application Return from OIPE			0
38	07/13/2009		ADDFLFE	Additional Application Filing Fees			0
36	07/13/2009		CORRSPEC	Applicant has submitted a new specification to correct Corrected Papers problems			0

35	04/07/2009	EML_NTR	Email Notification	0
34	04/07/2009	PA..	Change in Power of Attorney (May Include Associate POA)	0
33	03/11/2009	ELC_RVW	Electronic Review	0
32	03/11/2009	EML_NTF	Email Notification	0
31	03/11/2009	EML_NTF	Email Notification	0
30	03/11/2009	EML_NTF	Email Notification	0
29	03/11/2009	EML_NTR	Email Notification	0
28	03/11/2009	MPEN	Mail Pre-Exam Notice	0
27	03/11/2009	MPEN	Mail Pre-Exam Notice	0
26	03/11/2009	CPAP	Corrected Paper	0
25	03/11/2009	FLRCPT.O	Filing Receipt	0
21	03/10/2009	ROIPE	Application Return TO OIPE	0
20	02/13/2009	EML_NTR	Email Notification	0
19	02/13/2009	PA..	Change in Power of Attorney (May Include Associate POA)	0
24	02/04/2009	ADDFLFE	Additional Application Filing Fees	0
22	01/05/2009	W/OA	Pre-Exam Office Action Withdrawn	0
18	01/05/2009	EML_NTR	Email Notification	0
17	01/05/2009	EML_NTR	Email Notification	0
16	01/05/2009	PA..	Change in Power of Attorney (May Include Associate POA)	0
14	01/05/2009	FLRCPT.U	Filing Receipt - Updated	0
15	01/02/2009	OIPE	Application Dispatched from OIPE	0
13	12/18/2008	FLFEE	Payment of additional filing fee/Preexam	0
12	12/04/2008	EML_NTR	Email Notification	0
11	12/04/2008	PA..	Change in Power of Attorney (May Include Associate POA)	0
10	11/04/2008	ELC_RVW	Electronic Review	0
9	11/04/2008	EML_NTR	Email Notification	0
8	11/04/2008	EML_NTF	Email Notification	0
7	11/04/2008	EML_NTR	Email Notification	0
6	11/04/2008	PA..	Change in Power of Attorney (May Include Associate POA)	0
5	11/04/2008	INCD	Notice Mailed--Application Incomplete--Filing Date Assigned	0
4	11/04/2008	FLRCPT.O	Filing Receipt	0
3	10/21/2008	L194	Cleared by OIPE CSR	0
23	10/17/2008	SPECIFIC	A document that contains, at least in part, a written description of an invention, and of the manne	0
2	10/17/2008	SCAN	IFW Scan & PACR Auto Security Review	0
1	10/17/2008	IEXX	Initial Exam Team nn	0
0.5	10/17/2008	EFILE	Filing date	0

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**SUNSTEIN KANN MURPHY & TIMBERS LLP
125 SUMMER STREET
BOSTON, MA 02110-1618**

MAILED
MAY 18 2011
OFFICE OF PETITIONS

In re Application of
Igelman et al.
Application No. 12/253,490
Filed: October 17, 2008
Attorney Docket No. RZ-0008

:
:
:
DECISION ON PETITION
TO WITHDRAW FROM RECORD
:
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 17, 2011.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that on May 5, 2011 the power of attorney to Sunstein Kann Murphy & Timbers LLP was revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will be directed to the below-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272- 7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

cc: WOODCOCK WASHBURN LLP
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA PA 19104-2891



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BARLOW, JOSEPHS & HOLMES, LTD.
101 DYER STREET
5TH FLOOR
PROVIDENCE RI 02903

MAILED
SEP 23 2011
OFFICE OF PETITIONS

In re Application of
John D. Jarrell et al.
Application No. 12/253,530
Filed: October 17, 2008
Attorney Docket No.: **B077 P01751-US2**

ON PETITION

This is a decision on the petition under 37 CFR 1.182, filed September 21, 2011, to change the order of the names of the inventors.

The petition is **GRANTED**.

The instant petition has been submitted with an updated Application Data Sheet.

The order of the names of the inventors has been changed as follows:

- 1) John D. Jarrell
- 2) Jeffrey R. Morgan

A corrected filing receipt reflecting the correct order of the names of the inventors was mailed September 22, 2011.

This matter is being referred to the Publishing Division.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (05-10)

Approved for use through 05/31/2010. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 2800/12	Application Number (if known): 12/253,608	Filing date: 10-17-2008
--	--	--------------------------------

First Named Inventor: **Allan James Bruce**

Title: **PRESSURE CONTROLLED DROPLET SPRAYING (PCDS) METHOD FOR FORMING PARTICLES OF COMPOUND MATERIALS FROM MELTS**

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements set forth in the notice titled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," as modified by the notice titled "Elimination of Classification Requirement in the Green Technology Pilot Program," each of which was published in the Federal Register, if the Office determines that the claims are not obviously directed to a single invention.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Preliminary Amendment

Signature **/Stuart H. Mayer/**

Date **July 28, 2010**

Name (Print/Typed) **Stuart H. Mayer**

Registration Number **35,277**

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.



*Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Instruction Sheet for
Petition to Make Special Under the Green Technology Pilot Program
(Not to be Submitted to the USPTO)

The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction" and (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," available on the USPTO web site at http://www.uspto.gov/patents/init_events/green_tech.jsp):

- (1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371. The application must be previously filed before the publication date of the notice cited above. Reexamination proceedings are excluded from this pilot program.
- (2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- (3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- (4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- (5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- (6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Serial No.: 12/253,608

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Allan James Bruce et al.

Serial No.: 12/253,608

Filed: 10-17-08

Title: A PRESSURE CONTROLLED DROPLET SPRAYING (PCDS) METHOD FOR FORMING PARTICLES OF COMPOUND MATERIALS FROM MELTS

Art Unit: 1714

Examiner: Alexander Marion Weddle

Confirmation No.: 9716

Docket No.: 2800/12

Via EFS WEB
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Certificate of Electronic Transmission
Under 37 C.F.R. §1.8

I hereby certify that this correspondence and any document referenced herein are being electronically filed with the USPTO via EFS-Web on 8/4/10.

Marjorie Scariati

(Printed Name of Person Sending Correspondence)

/Marjorie Scariati/

(Signature)

STATEMENT OF SPECIAL STATUS RE: PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Sir:

This Statement of Special Status is accompanied by a Petition to Make Special Under the Green Technology Pilot Program.

Applicant submits that this application should be deemed eligible to participate in the Green Technology Pilot Program due to its subject matter. This application relates to renewable energy. Specifically, it relates to photovoltaic cells and systems incorporating such cells that can be used to convert solar energy to electrical and or/thermal energy.

CONCLUSION

The undersigned submits that all eligibility requirements have been met, specifically, the application was filed before December 9, 2009 and has already been published. The application

Serial No.: 12/253,608

has not received a Restriction Requirement or Office Action on the merits to date, contains no more than three (3) independent claims and twenty (20) total claims following entry of the Preliminary Amendment that is filed herewith, contains no multiple dependent claims, and a Petition to Make Special and accompanying Statement of Special Status have been submitted herewith.

It is respectfully requested that the Petition to Make Special Under the Green Technology Pilot Program be granted, and the application advance to examination promptly upon the granting of said Petition. Should the Examiner be of the view that an interview would expedite consideration of the application, request is made that the Examiner telephone the Applicants' attorney at (908) 518-7700 in order that any outstanding issues be resolved.

FEES

While it is not believed that any fees are due as a result of this Response, the Office is authorized to charge any fees required, to deposit account number 50-1047.

Respectfully submitted,

Attorney for Applicants
Mayer & Williams PC
251 North Avenue West, 2nd Floor
Westfield, NJ 07090
Tel: 908-518-7700
Fax: 908-518-7795

/Stuart H. Mayer/
Stuart H. Mayer
Registration No. 35,277



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/253,608	10/17/2008	Allan James Bruce	2800/12	9716
27774	7590	08/12/2010		
MAYER & WILLIAMS PC 251 NORTH AVENUE WEST 2ND FLOOR WESTFIELD, NJ 07090			EXAMINER WEDDLE, ALEXANDER MARION	
			ART UNIT	PAPER NUMBER
			1714	
			MAIL DATE	DELIVERY MODE
			08/12/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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MAYER & WILLIAMS PC
251 NORTH AVENUE WEST
2ND FLOOR
WESTFIELD NJ 07090

AUG 12 2010

In re Application of	:	
Allan Bruce et al.	:	DECISION ON PETITION
Application No. 12/253,608	:	TO MAKE SPECIAL UNDER
Filed: October 17, 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. 2800/12	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed August 04, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Blaine Copenheaver at 571-272-1156.

The application is being forwarded to the Technology Center Art Unit 1714 for action on the merits commensurate with this decision.

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/253,624	10/17/2008	Amit Patel	MKAY:158US/10809554	9753
32425 7590 11/08/2010 FULBRIGHT & JAWORSKI L.L.P. 600 CONGRESS AVE. SUITE 2400 AUSTIN, TX 78701			EXAMINER FRAZIER, BARBARA S	
			ART UNIT 1611	PAPER NUMBER
			NOTIFICATION DATE 11/08/2010	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

aopatent@fulbright.com



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FULBRIGHT & JAWORSKI L.L.P.
600 CONGRESS AVE.
SUITE 2400
AUSTIN TX 78701

NOV 08 2010

In re Application of	:	
PATEL, AMIT	:	DECISION ON REQUEST TO
Application No. 12/253,624	:	PARTICIPATE IN PCT-PATENT
Filed: October 17, 2008	:	PROSECUTION HIGHWAY PILOT
Attorney Docket No. MKAY:158US/10809554	:	
	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the PCT-Patent Prosecution Highway (PPH) Pilot program and the petition under 37 CFR 1.102(d), filed June 30, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT- PPH Pilot program and petition to make special require:

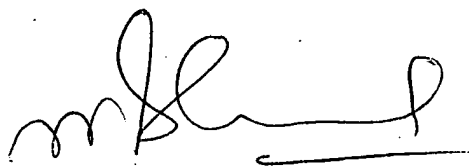
- (1) The U.S. application is a national stage entry of the corresponding EPO PCT application;
- (2) The latest work product in the international phase of the PCT application corresponding to the US application, namely the WO/ISA, or the WO/IPEA, or the IPER, indicates at least one claim in the PCT claim has novelty, inventive step and industrial applicability.
- (3) Applicant must submit a copy of the allowable/patentable claim(s) from the corresponding PCT application(s);
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application;
- (5) Examination of the U.S. application has not begun;
- (6) Unless already filed in the U.S. application for which participation in the PCT-PPH pilot program is requested, applicant must submit a copy of the latest international work product, WO/ISA, or WO/IPEA or IPER, which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof; and
- (7) Applicant must submit an IDS listing the documents cited international work product, WO/ISA, or WO/IPEA or IPER along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH Pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Ram R. Shukla at 571-272-0735.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system at the <http://www.uspto.gov/ebc/index.html>.

The application is undergoing pre-examination processing. Once it is released for examination, the application will be forwarded to the examiner for action on the merits commensurate with this decision.

A handwritten signature in dark ink, appearing to be 'mbl' followed by a long horizontal stroke.

Ram R. Shukla, Ph.D.
Supervisory Patent Examiner
TC 1600

**RAM R. SHUKLA, PH.D.
SUPERVISORY PATENT EXAMINER**

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/253,652	Filing date:	17 OCT 2008
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First Named Inventor:	KIRWAN, Peter
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Title of the Invention:	SYSTEM AND METHOD FOR SHARING WEB PERFORMANCE MONITORING DATA
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THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EFWC/EFWS_HELP.HTML](http://www.uspto.gov/efwc/efs_help.html)

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2008/080348

The international date of the corresponding PCT application(s) is/are: 17 OCT 2008

I. List of Required Documents:

- a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☐ Is attached.

☒ Is not attached because the document is already in the U.S. application.

- b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☒ Is attached.

☐ Is not attached because the document is already in the U.S. application.

- c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

(continued)

Application No.:	12/253,652
First Named Inventor:	KIRWAN, Peter

- ☐ Is attached
- ☒ Has already been filed in the above-identified U.S. application on 29 JUL 2009

- ☒ Are attached.
- 29 JUL 2009
- Have already been filed in the above-identified U.S. application on

[illegible]

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature <i>/Pattric J. Rawlins/</i>	Date 27 OCT 2010
Name (Print/Typed) Pattric J. Rawlins	Registration Number 47887

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/253,652	10/17/2008	Peter Kirwan JR.	112014-012UTL	9813
27189 7590 11/19/2010 PROCOPIO, CORY, HARGREAVES & SAVITCH LLP 525 B STREET SUITE 2200 SAN DIEGO, CA 92101			EXAMINER LIM, KRISNA	
			ART UNIT 2453	PAPER NUMBER
			NOTIFICATION DATE 11/19/2010	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@procopio.com
PTONotifications@procopio.com



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED

NOV 18 2010

**DIRECTOR OF USPTO
TECHNOLOGY CENTER 2400**

PROCOPIO, CORY, HARGREAVES & SAVITCH LLP
525 B STREET
SUITE 2200
SAN DIEGO CA 92101

In re Application of:
Peter KIRWAN, Jr., et al.
Application No. 12/253652
Filed: Oct 17, 2008
For: SYSTEM AND METHOD FOR
SHARING WEB PERFORMANCE
MONITORING DATA

DECISION ON REQUEST TO
PARTICIPATE IN PATENT
PROSECUTION HIGHWAY
PILOT PROGRAM AND
PETITION TO MAKE SPECIAL
UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT-Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(a), filed Oct 27, 2010 to make the above-identified application special.

The petition is **GRANTED**.

A grantable request to participate in the PCT PPH program and petition to make special require:

- 1) The relationship between the corresponding U.S. application for which participation in the PCT-PPH pilot program is requested and the PCT application satisfies one of the following:
 - (a) The U.S. application is a national stage entry of the corresponding PCT application.
 - (b) The U.S. application is a national application which forms the basis for the priority claim in the corresponding PCT application.
 - (c) The U.S. application is a national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT application.
 - (d) The U.S. application is a national application claiming foreign/domestic priority to the corresponding PCT application.
 - (e) The U.S. application is a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) to (d) scenarios.

(2) The latest work product in the international phase of the PCT application corresponding to the U.S. application indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, or the WO/IPEA, or the IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII. The U.S. application will not be eligible to participate in the PCT-PPH pilot program if applicant does not identify and explain why the claim(s) is/are not subject to the observation described in Box VIII.

Applicant may not file a request to participate in the PCT-PPH pilot program on the basis of an International Search Report (ISR) only.

- (3) Applicant must:
- a. Ensure all the claims in the U.S. application sufficiently correspond or be amended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application and
 - b. Submit a claims correspondence table in English;
- (4) Substantive Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of:
- a. the latest international work product, WO/ISA, or WO/IPEA or PER, which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language, unless the U.S. application and the corresponding PCT application satisfy the relationship noted in (1)(a) above.
- (6) Applicant must submit a copy of:
- a. the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application,
 - b. an English translation of the claims and
 - c. a statement that the English translation is accurate.

If the claims in the U.S. application are identical to the claims from the corresponding PCT application, and are in the English language, applicant may just indicate such in the PCT-PPH request and it will not be necessary for applicant to submit a copy of the claims from the corresponding PCT application.

- (7) Applicant must submit:
- a. An IDS listing the documents cited in the work products in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER, (unless already submitted in this application)
 - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

(8) The request for participation in the PCT-PPH pilot program and all the supporting documents must be submitted to the USPTO via EFS-Web and indexed with the following document description:
"Petition to make special under PCT-Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PCT-PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Accordingly, the Petition is **GRANTED**.

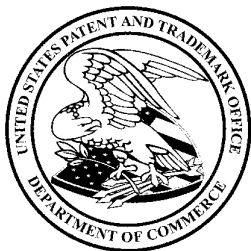
Telephone inquiries concerning this decision should be directed to Kim Huynh at 571-272-4147.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Kim Huynh/

Kim Huynh
Quality Assurance Specialist,
Technology Center 2400



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : August 25,2011

In re Application of :

Paul Selle

Application No : 12253724

Filed : 17-Oct-2008

Attorney Docket No : CMD 235B

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed August 25,2011 , to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Issue Fee(s) Due. The date of abandonment is the day after the expiration date of the period set for reply in the Notice.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue Fee and the Publication Fee (if necessary); (2) the petition fee as set forth in 37 CFR 1.17 (m); (3) the drawing correction and/or other deficiencies (if necessary); and (4) the required statement of unintentional delay have been received. Accordingly, the Issue Fee payment is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Office of Data Management.

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	
Application Number	12253724	
Filing Date	17-Oct-2008	
First Named Inventor	Paul Selle	
Art Unit	3721	
Examiner Name	STEPHEN GERRITY	
Attorney Docket Number	CMD 235B	
Title	METHOD AND APPARATUS FOR MAKING SKIRTLESS SEALS	
<p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.</p> <p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <ol style="list-style-type: none"> (1) Petition fee; (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications; (4) Statement that the entire delay was unintentional. 		
<p>Petition fee</p> <p>The petition fee under 37CFR 1.17(m) is attached.</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY.</p>		
<p>Issue Fee and Publication Fee :</p> <p>Issue Fee and Publication Fee must accompany ePetition.</p> <p><input checked="" type="checkbox"/> Issue Fee Transmittal is attached</p>		
<p>Drawing corrections and/ or other deficiencies.</p>		

- ☒ Drawing corrections and/ or other deficiencies are not required
- ☐ I certify, in accordance with 37 CFR 1.4.(D)(4), that drawing corrections and/ or other deficiencies have previously been filed on
- ☐ Drawing corrections and/ or other deficiencies are attached.

☒ STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors.
- ☐ A joint inventor; all of whom are signing this e-petition.
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71.

Signature	/George R. Corrigan/
Name	George R. Corrigan
Registration Number	34803

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	
Application Number	12253783	
Filing Date	17-Oct-2008	
First Named Inventor	Robert Dixon	
Attorney Docket Number	AUS920080429US1	
Title	SERIAL TEST MODE OF AN INTEGRATED CIRCUIT (IC)	
<p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.</p> <p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <p>(1) Petition fee;</p> <p>(2) Reply and/or issue fee;</p> <p>(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and</p> <p>(4) Statement that the entire delay was unintentional</p>		
Petition Fee <input type="radio"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27. <input type="radio"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2). <input type="radio"/> Applicant(s) status remains as SMALL ENTITY. <input checked="" type="radio"/> Applicant(s) status remains as other than SMALL ENTITY.		
2. Reply and/or fee <input checked="" type="radio"/> I certify, in accordance with 37 CFR 1.4(d)(4) that the amendment and response have already been filed in the above-identified application on 02-06-2012 <input type="radio"/> Amendment and response are attached		
RCE request, submission, and fee. <input type="radio"/> I certify, in accordance with 37 CFR 1.4(d)(4) that the RCE Request, Submission, and Fee have already been filed in the above-identified application on <input type="radio"/> RCE Request, Submission, and Fee are attached		
Notice of Appeal		

☐ I certify, in accordance with 37 CFR 1.4(d)(4) that the Notice of Appeal and Fee have already been filed in the above-identified application on

☐ Notice of Appeal and Fee are attached

3. Terminal Disclaimer is not required, since the Electronic Petition format is not support for Design applications and applications filed before June 8, 1995. Please file using regular petition format for review by the Office of Petitions.

☒ STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.

☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.

☐ A sole inventor

☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors

☐ A joint inventor; all of whom are signing this e-petition

☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Robert McLAuchlan/
Name	Robert McLauchlan
Registration Number	44924



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date February 6, 2012

In re Application of Robert Dixon

Application No. 12253783

Filed: 17-Oct-2008

DECISION ON PETITION

UNDER CFR 1.137(b)

Attorney Docket No. AUS920080429U

This is an electronic decision on the petition under 37 CFR 1.137(b), February 6, 2012, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the outstanding Office communication. The date of abandonment is the day after the last day of the period set for reply in the Office action plus any applicable extensions of time properly requested.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a response; (2) the petition fee as set forth in 37 CFR 1.17 (m); and (3) the required statement of unintentional delay have been received. Accordingly, the response is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Technology Center.

Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SCHOX PLC
500 3rd Street, Suite 515
San Francisco CA 94107

MAILED

DEC 28 2011

OFFICE OF PETITIONS

In Re application of
Rio J. Vetter
Application No. 12/253,796
Filed: October 17, 2008
Attorney Docket No. NEUR-P07-US

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ON PETITION

This is a decision on the petition under 37 CFR 1.59(b), filed November 28, 2011 to expunge information from the above identified application.

The petition is **granted**.

Petitioner requests that a response to the notice to file missing parts pertaining to Application SN 13/230,728, filed November 28, 2011, be expunged from the record. Petitioner states that the papers submitted were erroneously filed in the instant application.

The information in question has been determined by the undersigned to not be material to the examination of the instant application. The information was clearly intended to be filed in a different application.

The expunged material has been removed from the official file.

In accordance with MPEP 724.05(III), no petition is needed since the papers in question were clearly identified for a different application. Therefore, the petition fee is refunded.

Telephone inquiries relative to this decision should be directed to Carl Friedman at (571) 272-6842.

Carl Friedman
Petitions Examiner
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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CONLEY ROSE, P.C.
David A. Rose
P. O. BOX 3267
HOUSTON TX 77253-3267

MAILED

NOV 23 2010

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Torres et al. :
Application No.12/253,943 :
Filed: October 18, 2008 :
Attorney Docket No. 2807-00500 :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed September 3, 2010, to revive the above-identified application.

The petition is GRANTED.

This above-identified application became abandoned for failure to file a response to a Notice to File Missing Parts, which was mailed on January 6, 2009. The Notice to Missing Parts set an extendable two (2) month period for reply. No timely request for extension of time was obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on March 7, 2009. A Notice of Abandonment was mailed on September 10, 2009. A petition filed under 1.137(b) was dismissed on June 7, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the declaration, supplemental ADS and petition under 37 CFR 1.182 (2) the petition fee of \$810, and (3) a proper statement of unintentional delay.

A duplicate petition fee in the amount of 810.00 will be refunded to deposit account 03-2769.

This application is being referred to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CONLEY ROSE, P.C.
David A. Rose
P. O. BOX 3267
HOUSTON TX 77253-3267

MAILED

NOV 23 2010

OFFICE OF PETITIONS

In re Application of
Ali Asaff Torres et al.
Application No. 12/253,943
Filed: October 18, 2008
Attorney Docket No. 2807-00500

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DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.182, filed, September 3, 2010, to change the name of inventor "Ali Asaff" to -Ali Asaff Torres --.

The petition is **GRANTED**.

Office records have been updated to reflect the inventor's change of name.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3215.
Any questions concerning the examination procedures or status of the application should be directed to the Technology Center.

This application is being referred to the Office of Patent Application Processing in the normal course of business including issuance of the filing receipt when appropriate.

Charlema Grant
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

Muncy, Geissler, Olds & Lowe, PLLC
4000 Legato Road
Suite 310
FAIRFAX VA 22033

MAILED
MAY 02 2011
OFFICE OF PETITIONS

In re Application of :
Shuei-Yuan LEE et al. : DECISION GRANTING PETITION
Application No. 12/253,958 : UNDER 37 CFR 1.137(b)
Filed: October 18, 2008 :
Atty. Docket No.: 5545/0487PUS1 :

This is a decision on the petition under 37 CFR 1.137(b), filed February 24, 2011, to revive the above-identified application.

The petition is **GRANTED**.


The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts mailed November 3, 2008, which set a shortened period of reply of two (2) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. The application became abandoned on January 4, 2009. A Notice of Abandonment was mailed July 13, 2009.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of a Response to the Notice mailed November 3, 2008, (2) a petition fee of \$810, and (3) a statement of unintentional delay. The reply to the Notice is accepted as having been unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. *See* 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petition must notify the Office.

Telephone inquiries relating to this decision should be directed to Robert DeWitty, Petitions Examiner, Office of Petitions (571-272-8427).

The application file will be referred to Office of Patent Application Processing for further processing.

A handwritten signature in black ink, appearing to read "David Bucci for".

David Bucci
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Jackson Intellectual Property Group PLLC
106 Starvale Lane
Shipman VA 22971

MAILED
SEP 24 2010
OFFICE OF PETITIONS

In re Application of
Lin, et al.
Application No.: 12/253,981
Filed: October 19, 2008
Attorney Docket No: 7000.302

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: ON PETITION
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This is in response to the petition under 37 CFR 1.137(b) filed September 2, 2010.

The petition under 37 CFR 1.137(b) is **granted**.

On November 4, 2008, a "Notice to File Missing Parts of Nonprovisional Application" (the "Notice") was mailed by the Office allowing a two-month period for reply. Extension of time were available pursuant to 37 CFR 1.136(a). The Notice required payment of the filing, examination, and search fees, and a surcharge. A proper response was not received within the allowable period, and the application became abandoned on February 5, 2009. A Notice of Abandonment was mailed on July 13, 2009.

The filing, examination, and search fees, and a surcharge, are noted and made of record.

This application is being forwarded to the Office of Patent Application Processing for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	
Application Number	12253983	
Filing Date	19-Oct-2008	
First Named Inventor	Miao-Hsueh TSAI	
Art Unit	3673	
Examiner Name	SUZANNE BARRETT	
Attorney Docket Number	T-001.P086-6358-021AUS	
Title	DOOR LOCK WITH TRANSMISSION MECHANISM	
<p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.</p> <p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <ol style="list-style-type: none"> (1) Petition fee; (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications; (4) Statement that the entire delay was unintentional. 		
<p>Petition fee</p> <p>The petition fee under 37CFR 1.17(m) is attached.</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY.</p>		
<p>Issue Fee and Publication Fee :</p> <p>Issue Fee and Publication Fee must accompany ePetition.</p> <p><input checked="" type="checkbox"/> Issue Fee Transmittal is attached</p>		
<p>Drawing corrections and/ or other deficiencies.</p>		

- ☒ Drawing corrections and/ or other deficiencies are not required
- ☐ I certify, in accordance with 37 CFR 1.4.(D)(4), that drawing corrections and/ or other deficiencies have previously been filed on
- ☐ Drawing corrections and/ or other deficiencies are attached.

STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a ☒ grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors.
- ☐ A joint inventor; all of whom are signing this e-petition.
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71.

Signature	/Li K. Wang/
Name	Li K. Wang
Registration Number	44393



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : October 13,2011

In re Application of :

Miao-Hsueh TSAI

Application No : 12253983

Filed : 19-Oct-2008

Attorney Docket No : T-001.P086-6358-021AUS

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed October 13,2011 , to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Issue Fee(s) Due. The date of abandonment is the day after the expiration date of the period set for reply in the Notice.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue Fee and the Publication Fee (if necessary); (2) the petition fee as set forth in 37 CFR 1.17 (m); (3) the drawing correction and/or other deficiencies (if necessary); and (4) the required statement of unintentional delay have been received. Accordingly, the Issue Fee payment is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Office of Data Management.

Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/254,113	10/20/2008	Roland SCHEUERER	10191/5700	1801
26646 7590 03/05/2012 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004				
			EXAMINER KWOK, HELEN C	
			ART UNIT 2856	PAPER NUMBER
			MAIL DATE 03/05/2012	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

MAR 5 2012

In re Application of Ronald Scheuerer et al.

Appl. No.: 12/254,113

Filed: October 20, 2008

Attorney Docket No.: 10191/5700

For: A CAPACITIVE ACCELERATION SENSOR HAVING
A MOVABLE MASS AND A SPRING ELEMENT

:
:
: DECISION ON
: PETITION
: UNDER 37 C.F.R. § 1.59
:

This is a decision on the petition under 37 C.F.R. §1.59(b), February 17, 2012, to expunge information unintentionally submitted on January 23, 2012, from the above-identified application.

The petition is DENIED.

Petitioner requests that the Information Disclosure Statement (IDS) submitted on January 23, 2012, be expunged from the record because it was not intended to be filed in the above-identified application.

Pursuant to M.P.E.P. § 724.05,

“II. INFORMATION UNINTENTIONALLY SUBMITTED IN APPLICATION

A petition to expunge information unintentionally submitted in an application (other than information forming part of the original disclosure) may be filed under 37 CFR 1.59(b), provided that:

- (A) the Office can effect such return prior to the issuance of any patent on the application in issue;
- (B) it is stated that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted;
- (C) the information has not otherwise been made public;
- (D) there is a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted;

(E) it is established to the satisfaction of the Director that the information to be returned is not material information under 37 CFR 1.56; and

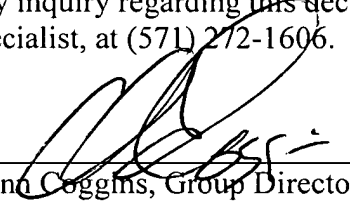
(F) the petition fee as set forth in 37 CFR 1.17(g) is included.

A request to expunge information that has not been clearly identified as information that may be later subject to such a request by marking and placement in a separate sealed envelope or container shall be treated on a case-by-case basis. Applicants should note that unidentified information that is a trade secret, proprietary, or subject to a protective order that is submitted in an Information Disclosure Statement may inadvertently be placed in an Office prior art search file by the examiner due to the lack of such identification and may not be retrievable. If a petition to expunge is not filed prior to the mailing of the notice of allowability, the materials submitted under MPEP § 724.02 will be released to the public upon the issuance of the application as a patent and upon the filing of a request and the appropriate fee (37 CFR 1.14)."

The petition does not satisfy condition (B), (C), (D) and (E) above for a grantable petition to expunge the IDS unintentionally or inadvertently submitted on January 23, 2012.

The above-noted IDS will remain in the file record.

Any inquiry regarding this decision should be directed to Hien H. Phan, Quality Assurance Specialist, at (571) 272-1606.



Wynne Coggins, Group Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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AMIT K. SINGH
1075 SALEM STREET
NORTH ANDOVER, MA 01845-4908

MAILED

JAN 11 2012

OFFICE OF PETITIONS

In re Application of	:	
Kaveh Azar, et al.	:	
Application No. 12/254,125	:	DECISION ON PETITION
Filed: October 20, 2008	:	TO WITHDRAW
Attorney Docket No. ATS_003	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 9, 2011.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The Office strongly encourages practitioner(s) requesting withdrawal from representation as practitioner of record in an application to review the record to determine whether he or she is, in fact, of record and how he or she was made of record. The practitioner(s) should determine whether he or she was appointed by naming each practitioner individually or through the use of a Customer Number. If the practitioner(s) were appointed by a specific designation, then the request should ask that each specified practitioner be withdrawn and should list each practitioner(s) in the Request. Similarly, if practitioner(s) was appointed by a Customer Number, the practitioner(s) should ensure that the correct number is provided in the Request. Additionally, as set forth in MPEP 403(I), the addition or deletion of a practitioner from the list of persons associated with a Customer Number should be done by way of a Request for Customer Number Data Change (PTO/SB/124) and not a Request for Withdrawal As Attorney or Agent and Change of Correspondence Address (PTO/SB/83).

The request cannot be approved because practitioners were not appointed by customer number. Practitioners must withdraw in the same manner by which they were appointed.

The request cannot be approved because the practitioner(s) requesting the withdrawal have not certified that they (1) have given reasonable notice to the client, prior to the expiration of the

response period, that the practitioner(s) intend to withdraw from employment, (2) have delivered to the client or a duly authorized representative that all papers and property (including funds) to which the client is entitled, nor have they certified that (3) they have notified the client of any responses that may be due and the time frame within which the client must respond. The failure to do so may subject the practitioner to discipline. It is also noted that false certification may violate a practitioners' duty under 37 CFR 10.23(b)(4) and (b)(5).

Further petitioner should also note that the Office will no longer accept address changes to a new practitioner of a law firm file with a Request to Withdraw, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record does not include an acceptable current correspondence address for future communications from the Office.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions



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Alexandria, VA 22313-1450
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AMIT K. SINGH
1075 SALEM STREET
NORTH ANDOVER, MA 01845-4908

MAILED

FEB 21 2012

OFFICE OF PETITIONS

In re Application of	:	
Kaveh Azar, et al.	:	
Application No. 12/254,125	:	DECISION ON PETITION
Filed: October 20, 2008	:	TO WITHDRAW
Attorney Docket No. ATS_003	:	FROM RECORD
	:	

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 7, 2012.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

Petitioner should also note that the Office will no longer accept address changes to a new practitioner of a law firm file with a Request to Withdraw, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record does not include an acceptable current correspondence address for future communications from the Office.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions



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MEDTRONIC, INC.
710 MEDTRONIC PARKWAY NE
MINNEAPOLIS, MN 55432-9924

MAILED

JAN 18 2011

In re Application of	:	OFFICE OF PETITIONS
Thomas Q. Dinh et al.	:	
Application No. 12/254,258	:	DECISION ON PETITION
Filed: October 20, 2008	:	TO WITHDRAW
Attorney Docket No.: P0022493.01	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 6, 2010.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.


The request is filed by Kenneth J. Collier on behalf of the practitioners of record associated with Customer Number 27581.

The Office no longer accepts an address change to the new practitioner identified in the request, absent the filing of a power of attorney to the new representative. The Office will, however, change the correspondence address of record to the most current address provided for (1) the intervening assignee of the entire interest or (2) the first named inventor.

The petitioner requested the change of correspondence address to the assignee associated with Customer Number 28390. Customer Number 28390 identifies Medtronic Vascular, Inc as the assignee. The Office record show Medtronic, Inc as the assignee; therefore, the assignee data is unclear.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-3210. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.


Irvin Dingle
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/254,334	10/20/2008	Masanobu YAMAUCHI	MNL-2635-678	1207
23117 7590 11/10/2011 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			EXAMINER THAI, SUSAN	
			ART UNIT 1724	PAPER NUMBER
			MAIL DATE 11/10/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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BC

In re application of	:	DECISION ON REQUEST TO
Masanobu Yamauchi	:	PARTICIPATE IN PATENT
Serial No. 12/254,334	:	PROSECUTION HIGHWAY
Filed: October 20, 2008	:	PROGRAM AND
For: GAS SENSOR	:	PETITION TO MAKE SPECIAL
	:	UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a) to make the above-identified application special filed August 23, 2011.

The request and petition are **DENIED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:

- a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
- b. An English translation of the allowable/ patentable claim(s), if applicable; and
- c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:

- a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
- b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:

- a. Documentation of prior office action:
 - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
 - ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
 - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
- b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and
- c. A statement that the English translation is accurate; and

(6) Applicant must submit:

- a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application); and
- b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

The request to participate in the PPH program and petition is denied. The request fails to meet requirement item (4) above, since the examination of the U.S. application has begun and a Notice of Allowance was mailed on September 16, 2011.

Any inquiry regarding this decision should be directed to Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

/Blaine Copenheaver/

Blaine Copenheaver
Quality Assurance Specialist
Technology Center 1700

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L4	862	604/372.ccls.	US-PGPUB; USPAT; USOCR	OR	ON	2011/04/12 18:18
S1	1	12/254434.app.	US-PGPUB; USPAT; USOCR	OR	ON	2011/04/07 15:52
S2	16	US-2531427-\$.DID. OR US-4286082-\$. DID. OR US-4734478- \$.DID. OR US- 5140076-\$.DID. OR US-5514754-\$.DID. OR US-5733576-\$. DID. OR US-7329701- \$.DID. OR US- 2082614-\$.DID.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2011/04/11 11:13
S3	14	((MICHAEL) near2 (AZAD)).INV.	US-PGPUB; USPAT; USOCR	OR	ON	2011/04/11 11:45
S4	506	((SCOTT) near2 (SMITH)).INV.	USPAT; USOCR	OR	ON	2011/04/11 12:25
S5	9	((MICHAEL) near2 (AZAD)).INV. and BASF.as.	US-PGPUB; USPAT; USOCR	OR	ON	2011/04/11 12:27
S6	14	((MARK) near2 (JOY)). INV.	US-PGPUB; USPAT; USOCR	OR	ON	2011/04/11 17:34
S7	12	((GEOFFREY) near2 (BLAKE)).INV.	US-PGPUB; USPAT; USOCR	OR	ON	2011/04/11 17:40
S8	21	((MICHAEL) near2 (JARMAN)).INV.	US-PGPUB; USPAT; USOCR	OR	ON	2011/04/11 17:41
S9	17997	BASF.as.	US-PGPUB; USPAT	OR	ON	2011/04/11 17:42
S10	337	S9 and superabsorbent	US-PGPUB; USPAT	OR	ON	2011/04/11 17:43
S11	0	GB-2082614-\$.did.	USPAT; USOCR	OR	ON	2011/04/11 17:56
S12	0	GB-112082614-\$.did.	USPAT; USOCR	OR	ON	2011/04/11 17:57
S13	1	GB-2082614-\$.did.	USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2011/04/11 18:02

S14	0	S13 and WO-0168156-\$.did.	USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2011/04/11 18:03
S15	1	S13 WO-0168156-\$.did.	USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2011/04/11 18:03
S16	2	S13 WO-168156-\$.did.	USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2011/04/11 18:03
S17	1	GB-2082614-\$.did.	USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2011/04/12 07:47
S18	2	S17 WO-168156-\$.did.	USPAT; USOCR; EPO; JPO; DERWENT	OR	ON	2011/04/12 07:47
S19	1	us-6124391-\$.did.	US-PGPUB; USPAT; USOCR	OR	ON	2011/04/12 07:54
S20	54	("3012900" "3723153" "4107382" "4286082" "4359492" "4381782" "4448900" "4533562" "4576835" "4610678" "4734478" "4774138" "4833179" "4880470" "4898616" "4952650" "4960644" "4975120" "5006565" "5007961" "5096493" "5190579" "5200270" "5236649" "5322731" "5334644" "5409771" "5413747" "5419956" "5443910" "5455288" "5466731" "5536576" "5688449" "5728742").PN. OR	US-PGPUB; USPAT; USOCR	OR	ON	2011/04/12 08:05

		("6124391").URPN.				
S21	54	(US-7906585-\$ or US-7865519-\$ or US-7842386-\$ or US-7818342-\$ or US-7812082-\$ or US-7795345-\$ or US-7711676-\$ or US-7624113-\$ or US-7402643-\$ or US-7329701-\$ or US-7311968-\$ or US-7173086-\$ or US-7169843-\$ or US-7108916-\$ or US-6936073-\$ or US-6923834-\$ or US-6794467-\$ or US-5728742-\$ or US-5688449-\$ or US-5536576-\$ or US-5466731-\$ or US-5455288-\$ or US-5443910-\$ or US-5419956-\$ or US-5413747-\$ or US-5409771-\$).did. or (US-5334644-\$ or US-5322731-\$ or US-5236649-\$ or US-5200270-\$ or US-5190579-\$ or US-5096493-\$ or US-5007961-\$ or US-5006565-\$ or US-4975120-\$ or US-4960644-\$ or US-4952650-\$ or US-4898616-\$ or US-4880470-\$ or US-4833179-\$ or US-4774138-\$ or US-4734478-\$ or US-4610678-\$ or US-4576835-\$ or US-4533562-\$ or US-4448900-\$ or US-4381782-\$ or US-4359492-\$ or US-4286082-\$ or US-4107382-\$ or US-3723153-\$ or US-3012900-\$).did. or (US-3723153-\$ or US-3012900-\$).did.	USPAT; USOCR	OR	ON	2011/04/12 08:15

S22	17	(US-20100100066-\$ or US-20100311578-\$ or US-20080045916-\$ or US-20050245393-\$ or US-20100261812-\$ or US-20050256469-\$ or US-20040214499-\$). did. or (US-7329701-\$ or US-5140076-\$ or US-7795345-\$ or US- 7396584-\$ or US- 7169843-\$ or US- 7163966-\$ or US- 7108916-\$ or US- 6124391-\$).did. or (WO-168156-\$).did. or (GB-2082614-\$).did.	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2011/04/12 08:16
S23	11	S22 and kaolin	US-PGPUB; USPAT; USOCR	OR	ON	2011/04/12 08:16

4/ 12/ 2011 6:27:52 PM

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NAVAL RESEARCH LABORATORY
ASSOCIATE COUNSEL (PATENTS)
CODE 1008.2
4555 OVERLOOK AVENUE, S.W.
WASHINGTON DC 20375-5320

MAILED
FEB 10 2012
OFFICE OF PETITIONS

In re Application of :
Kuchеров et al. :
Application No.: 12/254530 : **ON PETITION**
Filing or 371(c) Date: 10/20/2008 :
Attorney Docket Number: :
17687.2/99380 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed January 13, 2012, to revive the above-identified application.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely reply to the Office communication, mailed May 31, 2011. The Office communication set a one (1) month or 30 day period for reply. Extensions of time under 37 CFR 1.136(a) were available. No complete and proper reply having been received, the application became abandoned on July 1, 2011. A Notice of Abandonment was mailed January 3, 2012.

The renewed petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a response to the Restriction/Election Requirement; (2) the petition fee; and (3) the required statement of unintentional delay are filed with the present petition. Accordingly, the reply is accepted as having been unintentionally delayed.

This application is being forwarded to Technology Center Art Unit 3785 for processing of the response in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions



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CASIMIR JONES SC
2275 DEMING WAY SUITE 310
MIDDLETON WI 53562

MAILED

OCT 24 2011

OFFICE OF PETITIONS

In re
Richardson, et al.
Application No. 12/254,550
Filed: October 20, 2008
Attorney Docket No. UM-12011/US-2/DIV

DECISION

This is a decision on the fee deficiency submission under 37 CFR 1.28(c), filed September 23, 2011.

The fee deficiency submission under 37 CFR 1.28 of \$1448 is hereby accepted.

The change of status to large entity has been entered.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/254,558	10/20/2008	Takashi Yabe	01272.146892.	1672
5514 7590 09/01/2011 FITZPATRICK CELLA HARPER & SCINTO 1290 Avenue of the Americas NEW YORK, NY 10104-3800			EXAMINER REINIER, BARBARA DIANE	
			ART UNIT 2625	PAPER NUMBER
			MAIL DATE 09/01/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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**FITZPATRICK CELLA HARPER &
SCINTO**
1290 Avenue of the Americas
NEW YORK NY 10104-3800

In re Application of

Takashi YABE

Application No.: 12/254,558

Filed: 20 October 2008

Attorney Docket No.: 01272.146892.

**For: IMAGE PROCESSOR AND
IMAGE PROCESSING METHOD**

**: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 30 August 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is

- a. a Paris Convention application which either
 - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
 - ii. validly claims priority to a PCT application that contains no priority claims, or
- b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
 - i. validly claims priority to an application filed in the JPO, or
 - ii. validly claims priority to a PCT application that contains no priority claims, or
 - iii. contains no priority claim, or
- c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
 - i. validly claims priority to an application filed in the JPO, or

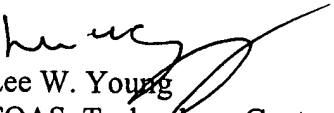
- ii. validly claims priority to a PCT application that contains no priority claims, or
 - iii. contains no priority claim;
- 2. Applicant must submit a copy of:
 - a. The allowable/patentable claim(s) from the JPO application(s);
 - b. An English translation of the allowable/patentable claim(s) and
 - c. A statement that the English translation is accurate;
- 3. Applicant must:
 - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
 - b. Submit a claims correspondence table in English;
- 4. Examination of the U.S. application has not begun;
- 5. Applicant must submit:
 - a. Documentation of prior office action:
 - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
 - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
 - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
 - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
 - c. A statement that the English translation is accurate;
- 6. Applicant must submit:
 - a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
 - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.


Lee W. Young
TQAS, Technology Center 2600



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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/254,558	10/20/2008	Takashi Yabe	01272.146892.	1672

5514 7590 10/11/2011
FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK, NY 10104-3800

EXAMINER

REINIER, BARBARA DIANE

ART UNIT	PAPER NUMBER
2625	

MAIL DATE	DELIVERY MODE
10/11/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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**FITZPATRICK CELLA HARPER &
SCINTO
1290 Avenue of the Americas
NEW YORK NY 10104-3800**

In re Application of

Takashi YABE

Application No.: 12/254,558

Filed: 20 October 2008

Attorney Docket No.: 01272.146892.

**For: IMAGE PROCESSOR AND
IMAGE PROCESSING METHOD**

**: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 30 August 2011, to make the above-identified application special.

The Decision 01 September 2011 is hereby **VACATED**.

The request and petition are **DENIED**.

Discussion

A review of the file shows that the examiner had begun prosecution prior to the filing of the PPH petition. The petition is accordingly DENIED.

The amendment to the claims filed with the PPH petition has not been entered since such would have interfered with the prosecution by the examiner.

Applicant is required to respond to the Office action within the period set forth in the Office action.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

Lee W. Young
TQAS, Technology Center 2600



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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450

Muncy, Geissler, Olds & Lowe, PLLC
4000 Legato Road
Suite 310
Fairfax, Virginia 22033

MAILED
FEB 15 2011
OFFICE OF PETITIONS

In re Application of :
Wei-Shin YEN : DECISION GRANTING PETITION
Application No. 12/254,564 : UNDER 37 CFR 1.137(b)
Filed: 20 October 2008 :
Atty. Docket No.: 5050/0191PUS1 :

This is a decision on the petition under 37 CFR 1.137(b), filed 29 December 2010, to revive the above-identified application ("Application").

The petition is **GRANTED**.

The Application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application mailed 7 November 2008 ("Notice"), which set a shortened statutory period of reply of two (2) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. The application became abandoned on 8 January 2009, with notification mailed 15 July 2009.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a Statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d).


The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) payment of filing fees plus surcharge, search fee, and examination fee, (2) a petition fee of \$810.00 (small entity), and (3) a Statement of unintentional delay. The reply to the Notice is accepted as having been unintentionally delayed.

There is no indication that the person signing the instant Petition was given a power of attorney or authorization of agent to prosecute the Application. Further, it is not apparent whether the signer of the Petition was in a position to have firsthand knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being

treated as having been made as the result of a reasonable inquiry into the facts and circumstances of the delay. *See*, 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (10 October 1997), 1203 Off. Gaz. Pat. Office 63, 103 (21 October 1997). In the event that such an inquiry has not been made, Petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, Petitioner must notify the Office.

General inquiries relating to this decision should be directed to Robert DeWitty, Petitions Examiner, Office of Petitions (571-272-6051).

The application file will be referred to Office of Patent Application Processing for further action on the filed Response.



David Bucci
Petitions Examiner
Office of Petitions

PATENT

First Named Inventor: Dana Groff
Application No.: 12/254,745
Filed: October 20, 2008
Customer No.: 69316

Attorney Docket No.: 324913.01PPH
Group Art Unit: 2195
Examiner: AN, MENG AI T
Confirmation Number: 2070

Title: TRANSACTION PROCESSING FOR SIDE-EFFECTING ACTIONS IN TRANSACTIONAL MEMORY

Commissioner for Patents
P.O. Box 1460
Alexandria, VA 22313-1450

**Statement on Request to Participate in the
PCT-Patent Prosecution Highway Pilot Program**

Dear Sir:

Applicants state that the claims in the PCT application are identical to the claims in the US application. The only formatting difference is that the claims in the PCT application contain numerical references that refer to the drawings. For your convenience, however, a copy of the claims in the PCT application is also included.

Accordingly, applicants respectfully request the petition to participate in the PCT – Patent Prosecution Highway Pilot Program be granted. If you have any questions, please do not hesitate to call the Applicant's attorney at the telephone number listed below.

Respectfully submitted,

Date: August 28, 2010

By: /James R. Banowsky/
Atty: James R. Banowsky
Reg. No.: 37,773
Direct telephone: (425) 705-3539
Microsoft Corporation
One Microsoft Way
Redmond WA 98052-6399

CERTIFICATE OF MAILING OR TRANSMISSION
(Under 37 CFR § 1.8(a)) or ELECTRONIC FILING

I hereby certify that this correspondence is being electronically deposited with the USPTO via EFS-Web on the date shown below:

August 28, 2010
Date

/Eric Matt/
Eric Matt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/254,745	10/20/2008	Dana Groff	324913.01PPH	2070

69316	7590	08/31/2010
MICROSOFT CORPORATION ONE MICROSOFT WAY REDMOND, WA 98052		

EXAMINER	
AN, MENG AI T	

ART UNIT	PAPER NUMBER
2195	

NOTIFICATION DATE	DELIVERY MODE
08/31/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DBOUTON@MICROSOFT.COM
vffiling@microsoft.com
stevensp@microsoft.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MICROSOFT CORPORATION
ONE MICROSOFT WAY
REDMOND WA 98052

In re Application of: GROFF et al.
Application No. 12/254,745
Atty Docket Number: 324913.01PPH
Filed: October 20, 2008
For: **TRANSACTION PROCESSING FOR SIDE-EFFECTING ACTIONS IN TRANSACTIONAL MEMORY**

DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the PCT-Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed July 6, 2010 to make the above-identified application special.

The petition is **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application is
 - (a) a national stage entry of the corresponding PCT application
- Or
- (b) a national application which forms the basis for the priority claim in the corresponding PCT application
- Or
- (c) a national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT application
- Or
- (d) a national application claiming foreign domestic priority to the corresponding PCT application.
Applications subject to a secrecy order (35U.S.C.181) are excluded and not subject to participation in the PCT-PPH pilot program.
- Or
- (e) a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) to (d) scenarios.

(2) The latest work product in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER, indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, or the WO/IPEA, or the IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII. The U.S. application will not be eligible to participate in the PCT-PPH pilot program if applicant does not identify and explain why the claim(s) is/are not subject to the observation described in Box VIII.

Applicant may not file a request to participate in the PCT-PPH pilot program on the basis of an International Search Report (ISR) only.

- (3) Applicant must:
- a. Ensure all the claims in the U.S. application sufficiently correspond or be amended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application and
 - b. Submit a claims correspondence table in English;
- (4) Substantive Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of:
- a. the latest international work product, WO/ISA, or WO/IPEA or PER, which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language, unless the U.S. application and the corresponding PCT application satisfy the relationship noted in (1)(a) above.
- (6) Applicant must submit a copy of:
- a. the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application,
 - b. an English translation of the claims and
 - c. a statement that the English translation is accurate.

If the claims in the U.S. application are identical to the claims from the corresponding PCT application, and are in the English language, applicant may just indicate such in the PCT-PPH request and it will not be necessary for applicant to submit a copy of the claims from the corresponding PCT application.

- (7) Applicant must submit:
- a. An IDS listing the documents cited in the work products in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER, (unless already submitted in this application)
 - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition are found to comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Mano Padmanabhan/

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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STEPTOE & JOHNSON LLP
2121 AVENUE OF THE STARS
SUITE 2800
LOS ANGELES CA 90067

MAILED
JUN 17 2011
OFFICE OF PETITIONS

In re Application of
HSU
Application No. 12/254,749
Filed: October 20, 2008
Attorney Docket No. 83338.0002 C1

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed May 5, 2011.

The request is **NOT APPROVED**.

A review of the file record indicates that Robert L. Kovelman does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

The Office will no longer approve requests from practitioners to withdraw from applications where the requesting practitioner is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34. In these situations, the practitioner is responsible for the correspondence the practitioner files in the application while acting in a representative capacity. As such, there is no need for the practitioner to obtain the Office's permission to withdraw from representation. However, practitioners acting in a representative capacity, like practitioners who have a power of attorney in the application, remain responsible for noncompliance with 37 CFR 1.56, as well as 37 CFR 10.18, with respect to documents they file.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED
NOV 15 2011
OFFICE OF PETITIONS

Brian S. Boyer, Ph.D.
493 Seaport Ct.
Suite 105
Redwood City CA 94063

In re Application of	:	
Yangxin Fu	:	
Application No. 12/254,776	:	DECISION ON PETITION
Filed: October 20, 2008	:	TO WITHDRAW
Attorney Docket No. ADIMP001.US01	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 21, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Brian S. Boyer on behalf of attorneys/agents associated with customer number 87647. All attorneys/agents associated with customer number 87647 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address has been changed and is copied below.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Adimmu Institute, Inc.
c/o Grace Tian
3517 Breakwater Avenue
Hayward, CA 94545



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/254,776	10/20/2008	YANGXIN FU	ADIMP001.US01

CONFIRMATION NO. 2136

POWER OF ATTORNEY NOTICE



87647
Brian S. Boyer, Ph.D.
493 Seaport Ct.
Suite 105
Redwood City, CA 94063

Date Mailed: 11/15/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/21/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Decision Date : October 17,2011

In re Application of :

Daniel Dreymann

Application No : 12254831

Filed : 20-Oct-2008

Attorney Docket No : 24067-14684/US

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed October 17,2011

The request is **APPROVED**.

The request was signed by Daniel R Brownstone (registration no. 46581) on behalf of all attorneys/agents associated with Customer Number 758 . All attorneys/agents associated with Customer Number 758 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name Goodmail Systems Inc.
Name2 c/o Barracuda Networks, Inc.
Address 1 3175 Winchester Blvd.
Address 2 Attn: Peter Hwang
City Campbell
State CA
Postal Code 95008
Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	12254831	
Filing Date	20-Oct-2008	
First Named Inventor	Daniel Dreymann	
Art Unit	2492	
Examiner Name	SHU GAO	
Attorney Docket Number	24067-14684/US	
Title	Certification Of E-Mails With Embedded Code	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		758 <hr/>
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Goodmail Systems Inc. c/o Barracuda Networks, Inc.	
Address	3175 Winchester Blvd. Attn: Peter Hwang	
City	Campbell	
State	CA	
Postal Code	95008	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/Daniel R. Brownstone 46581/
Name	Daniel R Brownstone
Registration Number	46581



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ALLERGAN, INC.
2525 DUPONT DRIVE, T2-7H
IRVINE, CA 92612-1599

MAILED

SEP 21 2011

OFFICE OF PETITIONS

In re Application of
Joseph Francis et al
Application No. 12/255,033
Filed: October 21, 2008
Attorney Docket No. 18447 (BOT)

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:
:
:
:

ON PETITION

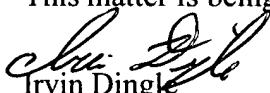
This is a decision on the petition under 37 CFR 1.137(b), filed August 17, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed December 29, 2010, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on March 30, 2011.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 1645 for further processing.


Irvin Dingle
Petitions Examiner
Office of Petitions



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DEC 02 2011

OFFICE OF PETITIONS

NAVAL RESEARCH LABORATORY
ASSOCIATE COUNSEL (PATENTS)
CODE 1008.2
4555 OVERLOOK AVENUE, S.W.
WASHINGTON DC 20375-5320

In re Application of	:	
Cranch et al.	:	
Application No. 12/255,080	:	DECISION ON PETITION
Filed: October 21, 2008	:	UNDER 37 CFR 1.78(a)(6)
Atty Docket No. 98,935	:	

This is a decision on the PETITION FOR UNINTENTIONALLY DELAYED CLAIM FOR PRIORITY UNDER 37 CFR 1.78(c) and (e), filed October 26, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority to the prior-filed application No. 60/981,538. This decision is made in light of the petition filed November 23, 2011, clarifying that the petition was with respect to provisional application No. 60/981,538, rather than with respect to the provisional application originally identified on petition.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition under 37 CFR § 1.78(a)(6) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 119(e) and 37 CFR § 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;

- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional where there is a question whether the delay was unintentional.

The instant application was filed after November 29, 2000. A review of the application as filed reveals that the claim for priority set forth on petition was not submitted on filing in the first sentence of the specification or in an application data sheet. Further, the period in 37 CFR §§ 1.78(a)(5)(ii) expired without the claim being presented. Accordingly, the instant petition is appropriate.

The petition includes payment of the surcharge on October 26, 2011 and on November 23, 2011. (As only one surcharge is required, the overpayment is being refunded to the Deposit Account). The petition also includes the required statement of unintentional delay.

However, the petition must be dismissed as it does not include the required reference. The rule requires that the reference be included in either an amendment to the first sentence of the specification following the title or a supplemental application data sheet. (see 37 CFR 1.78(a)(5)(iii)). It is noted that any amendment must be in a paper separate from the petition and in compliance with 37 CFR 1.121.

Moreover, the issue fee was paid in this application on September 29, 2011. For consideration of the amendment of the application by way of entry of an amendment or a supplemental application data sheet, petitioner must withdraw the application from issue and submit a request for continued examination (RCE) and RCE fee.

In view thereof, the petition is dismissed.


Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3219.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

August 4, 2010

George E. Kirvan, Jr.
E. I. DuPont de Nemours and Company
4417 Lancaster Pike
Wilmington, DE 19805

Patent No. : 7,754,810 B2
Ser. No. : 12/255,082
Inventor(s) : Michael Cregg Coughlin, et al.
Issued : July 13, 2010
Docket No. : DW0142USNA
Title : **PROCESS FOR PRODUCING FLUOROPOLYMERS**

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing *incorrect or erroneous* assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 (*see Manual of Patent Examining Procedures (M.P.E.P) Chp. 1400, sect. 1481*). This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this matter, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

- A. **the processing fee set forth in 37 CFR 1.17(i) (currently \$130);**
- B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
- C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS

Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-0025
ATTN: Office of Petitions

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

/Virginia Tolbert/
Virginia Tolbert
For Mary Diggs
Decisions & Certificates
of Correction Branch
(571) 272-0460 or (703) 756-1814

vt



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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DUPONT PERFORMANCE ELASTOMERS L.L.C.
PATENT RECORDS CENTER
4417 LANCASTER PIKE, BARLEY MILL PLAZA P25
WILMINGTON DE 19805

MAILED

MAY 05 2011

OFFICE OF PETITIONS

In re Patent No. 7,754,810 :
Application No. 12/255,082 :
Filed: October 21, 2008 :
Issued: July 13, 2010 :
Attorney Docket No. DW0142USNA :

ON PETITION

This is a decision on the petition filed August 27, 2010, which is being treated as a request under 37 CFR 3.81(b)¹ to add the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

This matter is being referred to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3206. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

Liana Walsh
Petitions Examiner
Office of Petitions

¹ See MPEP 1309, subsection II; and Official Gazette of June 22, 2004.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON MA 02210-2206

MAILED

SEP 10 2010

In re Application of:	:	OFFICE OF PETITIONS
GIACALONE , Jean-Pierre	:	
Application No. 12/255,205	:	ON PETITION
Filed: October 21, 2008	:	
Attorney Docket No. G0789.70000US01	:	

This is a decision on the Petition to Expunge Pursuant to 37 C.F.R. §1.59 and MPEP § 724.02, May 18, 2010, which has been treated as a Petition To Expunge under 37 CFR 1.59(b). The requisite \$200.00 petition fee has been submitted

The petition is **GRANTED**.

Petitioner urges that information of a sensitive nature and relating to attorney-client communication, which is otherwise not available to the public, was submitted in the application. It is agreed that under the circumstances of this case, petitioner has shown to the satisfaction of the Director that expungement is appropriate.

The file entry of the subject document has been closed. As such, the document is no longer available to the public for inspection, which is the Image File Wrapper (IFW) equivalent to removal of a paper document from a paper file wrapper.

Telephone inquiries concerning this decision should be directed to Brian W. Brown at (571) 272-5338.

Brian W. Brown
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON MA 02210-2206

MAILED

SEP 10 2010

OFFICE OF PETITIONS

In re Application of
Jean-Pierre Giacalone
Application No. 12/255,205
Filed: October 21, 2008
Attorney Docket No. G0789.70000US01

**DECISION ON PETITION
TO WITHDRAW FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 18, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by David Wolf on behalf of all attorneys of record who are associated with Customer Number 23628.

All attorneys/agents associated with the Customer Number 23628 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record remains unchanged.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski
Petitions Examiner
Office of Petitions



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Briscoe, Kurt G.
Norris McLaughlin & Marcus, PA
875 Third Avenue, 8th Floor
New York NY 10022

MAILED
JAN 30 2012
OFFICE OF PETITIONS

In re Application of :
Vogt et al. :
Application No.: 12/255224 :
Filing or 371(c) Date: 10/21/2008 : **ON PETITION**
Attorney Docket Number: :
100727-145 :

This is a decision on the petition under 37 CFR 1.181(a) to withdraw holding of abandonment, filed December 14, 2011.

This Petition is hereby **granted**.

Background

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of March 17, 2011. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that prima facie places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). Accordingly, the date of abandonment of this application is June 18, 2011.

The present petition

Applicant files the instant petition and asserts that an RCE was timely filed and requests withdrawal of the holding of abandonment.

Analysis and conclusion

A review of the application file reveals that Applicant filed an "Amendment Under 37 CFR 1.114," and in the "Remarks," included a RCE request an authorization to charge fees and a three (3) month extension of time request and fee, on Monday, September 19, 2011. Accord 37 CFR 1.6.

The Office charged the fee for the three (3) month extension of time request; however, the Office did not process the RCE and Amendment.

In view of the foregoing, the petition is granted.

The application will be referred to Technology Center Art Unit 1615 for processing of the RCE and Amendment, and for continued processing in due course.

Telephone inquiries concerning this petition Decision should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions



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Douglas A. Yerkeson
Baker & Daniels LLP
300 North Meridian Street
Suite 2700
Indianapolis IN 46204

MAILED

JAN 04 2012

OFFICE OF PETITIONS

In re Application of : DECISION ON PETITION
Davidson et al. : UNDER 37 CFR 1.78(a)(3)
Application No. 12/255,358 :
Filed: October 21, 2008 :
Attorney Docket No. DFC-P4159 :
:

This is a decision on the PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED CLAIM FOR PRIORITY UNDER 35 U.S.C. § 120 filed December 15, 2011, to accept an unintentionally delayed claim to prior-filed application number 11/700,556.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR § 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR § 1.78(a)(2)(ii), and must be filed during the pendency of the nonprovisional application. In addition, the petition under 37 CFR § 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR § 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii), and the date the claim was filed was unintentional. The Director may require additional where there is a question whether the delay was unintentional.

The instant application was filed after November 29, 2000. A review of the application as filed reveals that the claim for

priority set forth on petition was not submitted on filing in the first sentence of the specification or in an application data sheet. Claims for priority to application Nos. 11/700,556 and 11/737,727 were set forth on petition; however, as no relationships were set forth, the claims were not proper under 35 U.S.C. § 120. The four and sixteen-month periods specified in 37 CFR §§ 1.78(a)(2)(ii) and 37 CFR 1.78(a)(5)(ii) expired without proper claims being made. Nonetheless, the claim that this application is a continuation-in-part of application No. 11/737,727, which claims benefit of 60/794,229 was picked up by the Office. Thus, the instant petition is appropriate with respect to the '556 application. In addition, the petition includes the required statement of unintentional delay and the required surcharge.

On petition, a reference to the prior-filed nonprovisional application has been included in an amendment, as required by 37 CFR 1.78(a)(2)(iii).

With respect to 35 U.S.C. 120 and 37 CFR 1.78(a)(3), the amendment includes a reference to prior-filed application No. 11/700,556, with the relationship stated as continuation-in-part. The amendment also adds the reference to the '727 application, as required by 37 CFR 1.78(a)(2)(iii), stating that the '727 application is a continuation-in-part.

All of the above requirements having been satisfied, the late claim for benefit of priority to the prior-filed application under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

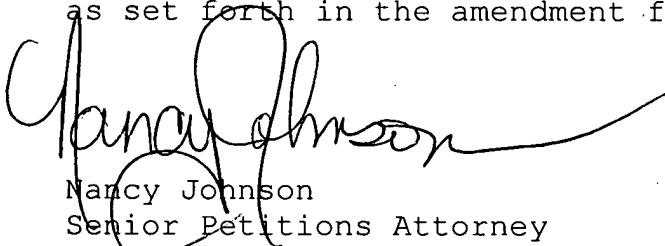
The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR § 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §§120 and 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the

application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed application, accompanies this decision on petition.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3219. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being referred to Technology Center Art Unit 3753 for consideration by the examiner of the claim for benefit of priority under 35 U.S.C. §120 of the prior-filed applications as set forth in the amendment filed December 15, 2011.

A handwritten signature in black ink, appearing to read "Nancy Johnson", with a long, sweeping horizontal line extending to the right.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/255,358	10/21/2008	3753	1506	DFC-P4159	28	3

CONFIRMATION NO. 3204

CORRECTED FILING RECEIPT



OC000000051766668

79958
Douglas A. Yerkeson
Baker & Daniels LLP
300 North Meridian Street
Suite 2700
Indianapolis, IN 46204

Date Mailed: 01/03/2012

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Kyle Robert Davidson, Noblesville, IN;
Michael J. Veros, Indianapolis, IN;
Austin Ray Murray, Fort Wayne, IN;
Paul D. Koottungal, Indianapolis, IN;

Assignment For Published Patent Application

Masco Corporation of Indiana

Power of Attorney: The patent practitioners associated with Customer Number 79958

Domestic Priority data as claimed by applicant

This application is a CIP of 11/737,727 04/19/2007 *
which claims benefit of 60/794,229 04/20/2006

This application 12/255,358
is a CIP of 11/700,556 01/31/2007
which claims benefit of 60/794,229 04/20/2006

(*)Data provided by applicant is not consistent with PTO records.

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

If Required, Foreign Filing License Granted: 11/03/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/255,358**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
Title

User Interface for a Faucet

Preliminary Class

251

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where

the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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KENYON & KENYON LLP
1500 K STREET, NW
WASHINGTON, DC 20005-1257

MAILED
AUG 26 2010
OFFICE OF PETITIONS

In re Application of
Christopher Peter Hurrell, et al.
Application No.: 12/255,359
Filed: October 21, 2008
Attorney Docket No.: 13641-386901

ON PETITION

This is a decision on the petition, filed August 25, 2010, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 2, 2010, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2819 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/64a U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED FOR FAILURE TO NOTIFY THE OFFICE OF A FOREIGN OR INTERNATIONAL FILING UNDER 37 CFR 1.137(f)	
Application Number	12255392	
Filing Date	21-Oct-2008	
First Named Inventor	Daniel Van Straten	
Art Unit	3727	
Examiner Name	DEBRA MEISLIN	
Attorney Docket Number	5334-00005	
Title	AUTOMATED SURFACE COVERING REMOVAL MACHINE	
<p>The above-identified application became abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to timely notify the Office of the filing of an application in a foreign country or under a multinational treaty that requires publication of applications eighteen months after filing. The date of abandonment is the day after the expiration date of the forty-five (45) day period set in 35 U.S.C. 122(b)(2)(B)(iii).</p> <p>PURSUANT TO 37 CFR 1.137(f), APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION UNDER 37 CFR 1.137(b).</p> <p>A grantable petition requires the following items: (1) Petition fee; (2) Reply; (3) Statement that the entire delay was unintentional.</p>		
<p>Petition fee The petition fee under 37CFR 1.17(m) is attached.</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY.</p>		
<p>Notice of Foreign or International Filing (35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c)) Subsequent to the filing of the above-identified application, an application was filed in another country, or under a multinational international treaty (e.g., filed under the Patent Cooperation Treaty), that requires publication of applications eighteen months after the filing. The filing date of the subsequently filed foreign or international application is 02-19-2009</p> <p><input checked="" type="checkbox"/> The non-publication request has been filed on 21-Oct-2008</p>		

☒ STATEMENT: The entire delay in filing the required notice of a foreign or international filing from the due date for the required notice until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors.
- ☐ A joint inventor; all of whom are signing this e-petition.
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71.

Signature	/Aaron T. Olejniczak/
Name	Aaron T. Olejniczak
Registration Number	54853



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : September 9, 2011

In re Application of :

DECISION ON PETITION

Daniel Van Straten

Application No : 12255392

Filed : 21-Oct-2008

Attorney Docket No : 5334-00005

This is an electronic decision on the petition, filed September 9, 2011, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark Office (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. See 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the present nonprovisional application is the subject of a foreign or international application filed on

02-19-2009

However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in a foreign country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country, or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition under 37 CFR 1.137(f) must be accompanied by:

- (1) the reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
- (2) the petition fee as set forth in 37 CFR 1.17(m); and
- (3) a statement that the entire delay in filing the required notice of a foreign or international filing from the due date for the required notice until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date will be viewable in Private PAIR within one (1) business day.

This application file is being directed to the Office of Data Management.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/255,431	10/21/2008	Han Sang LEE	741196-66	3327
7590 06/23/2011 ROBERTS MLOTKOWSKI SAFRAN & COLE, P.C. Intellectual Property Department P.O. Box 10064 MCLEAN, VA 22102-8064			EXAMINER HOLLIDAY, JAIME MICHELE	
			ART UNIT 2617	PAPER NUMBER
			NOTIFICATION DATE 06/23/2011	DELIVERY MODE ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

Chan Wang
21205 Halworth Road
Beachwood OH 44122

MAILED
OCT 25 2011
OFFICE OF PETITIONS

In re Application of :
Chan Qian WANG : ON PETITION
Application No. 12/255,471 :
Filed: October 21, 2008 :

This is a decision on the petition under 37 CFR 1.137(b), filed July 27, 2011, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mailing date of this decision. Extensions of time under 37 CFR 1.136 are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)". This is not a final agency action within the meaning of 5 U.S.C. §704.

The application became abandoned for failure to reply in a timely manner to the Ex-Parte Quayle Action mailed September 3, 2010 (Action), which set a shortened period for reply of two (2) months or 30 days, whichever was longer. An extension of time under the provisions of 37 CFR 1.136(a) was not obtained. The application became abandoned November 4, 2010. A Notice of Abandonment was mailed May 6, 2011.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) an appropriate reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay for filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). The petition lacks item (1).

Regarding item (1), the proposed reply required for consideration of a petition to revive must be commensurate with the requirements stated in the Action mailed September 3, 2010. The submitted amendment does not *prima facie* place the application in condition for allowance. See attached copy of Advisory Action.


Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By hand: U.S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By facsimile: **(571) 273-8300**
 Attn: Office of Petitions

Telephone inquiries relating to this decision should be directed to Robert DeWitty,
Petitions Attorney, Office of Petitions (571-272-8427).


for Anthony Knight
Director
Office of Petitions

Enclosures: Advisory Action

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

12/255,471

Applicant(s)

WANG, CHAN QIAN

Examiner

JOHN J. WILSON

Art Unit

3732

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 11 July 2011 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because

(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

(b) ☐ They raise the issue of new matter (see NOTE below);

(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.

13. ☒ Other: See Continuation Sheet.

/John J Wilson/
Primary Examiner
Art Unit 3732

Continuation of 3. NOTE: The deleting of the original drawing and related text does not meet or respond to the objection to provide a drawing to facilitate understanding of the invention.

Continuation of 13. Other: Applicant has failed to place the application in condition for allowance by not providing an illustration of the invention in the form of a drawing as required by the outstanding objection.



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United States Patent and Trademark Office
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MAILED

JAN 12 2012

OFFICE OF PETITIONS

Chan Wang
21205 Halworth Road
Beachwood OH 44122

In re Application of :
Chan Qian WANG : **ON PETITION**
Application No. 12/255,471 :
Filed: October 21, 2008 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed December 5, 2011, to revive the above-identified application.

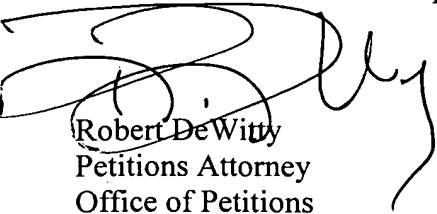
The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Ex-Parte Quayle Action mailed September 3, 2010 (Office action), which set a shortened period for reply of two (2) months or 30 days, whichever was longer. An extension of time under the provisions of 37 CFR 1.136(a) was not obtained. The application became abandoned November 4, 2010. A Notice of Abandonment was mailed May 6, 2011.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of a Response to the Office action mailed September 3, 2010, (2) a petition fee of \$ 810, and (3) a statement of unintentional delay. The reply to the Notice is accepted as having been unintentionally delayed.

Telephone inquiries relating to this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427).

The application file will be referred to the Technology Center Art Unit 3732 for further consideration of the filed reply.


Robert DeWitty
Petitions Attorney
Office of Petitions



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FULBRIGHT & JAWORSKI L.L.P.
600 CONGRESS AVE.
SUITE 2400
AUSTIN TX 78701

MAILED
AUG 27 2010
OFFICE OF PETITIONS

In re Patent No. 7,700,351 :
Issue Date: April 20, 2010 :
Application No. 12/255,481 : DECISION ON PETITION
Filed: October 21, 2008 :
Attorney Docket No. DFBP:010USC1/10813332 :

This is a decision on the petition filed June 22, 2010, which is being treated as a request under 37 CFR 3.81(b)¹ to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to Michelle R. Eason at (571) 272-4231. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

Thurman K. Page
Petitions Examiner
Office of Petitions

¹ See MPEP 1309, subsection II; and Official Gazette of June 22, 2004.



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**DLA PIPER LLP (US)
ATTN: PATENT GROUP
P.O. BOX 2758
RESTON, VA 20195**

MAILED

SEP 09 2011

OFFICE OF PETITIONS

In re Application of	:	
Kaiyuan Huang, et al.	:	
Application No. 12/255,587	:	DECISION ON PETITION
Filed: October 21, 2008	:	TO WITHDRAW
Attorney Docket No. 5473-008 US	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 26, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by James M. Heintz on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future communications from the Office will be directed to the assignee of the entire interest at the first copied address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **LIQUID COMPUTING CORPORATION
340 TERRY FOX, SUITE 300
OTTAWA K2K 3A2
CANADA**



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/255,587	10/21/2008	Kaiyuan HUANG	5473-008 US

CONFIRMATION NO. 3609

POWER OF ATTORNEY NOTICE



24510
DLA PIPER LLP (US)
ATTN: PATENT GROUP
P.O. Box 2758
Reston, VA 20195

Date Mailed: 09/07/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/26/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tsjohnson/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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FRISKIT INC
660 FOURTH STREET #290
SAN FRANCISCO CA 97104

MAILED

FEB 09 2012

OFFICE OF PETITIONS

In re Application of :
Eyal, et al. :
Application No. 12/255,615 :
Filed: October 21, 2008 :
Attorney Docket No. 33239-00002-US :

ON PETITION

This is a decision on the petition to revive under 37 CFR 1.137(b), filed January 23, 2012.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely file a reply to the non-final Office action mailed April 21, 2011. This Office action set a shortened statutory period for reply of three months. No reply having been received, the application became abandoned on July 22, 2011. The Office mailed a Notice of Abandonment on November 15, 2011.

With the instant petition, applicant paid the petition fee, made the proper statement of unintentional delay, and submitted the required reply in the form of continuation application No. 13/355,867.

The above-identified application is being revived solely for purposes of continuity. As continuity has been established by this decision reviving the above-identified application, the instant application is again abandoned in favor of the continuation application, No. 13/355,867, filed January 23, 2012.

Application No. 12/255,615

Page 2

Telephone inquiries concerning this decision should be directed to the undersigned at (571)272-3207.

A handwritten signature in cursive script, appearing to read 'Cliff Congo'.

Cliff Congo
Petitions Attorney
Office of Petitions



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**KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834**

MAILED

JUN 21 2011

OFFICE OF PETITIONS

In re Application of	:	
Hovda et al.	:	
Application No. 12/255,731	:	DECISION ON PETITION
Filed: October 22, 2008	:	TO WITHDRAW FROM RECORD
Attorney Docket No. 022031-003910US	:	
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 18, 2011.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that on June 13, 2011 the power of attorney to Kilpatrick Townsend & Stockton LLP was revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will be directed to the below-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272- 7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

cc: WILSON, SONSINI, GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO CA 94304-1050



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**KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834**

MAILED
JUL 05 2011
OFFICE OF PETITIONS

In re Application of	:	
David Hovda, et al.	:	
Application No. 12/255,733	:	DECISION ON PETITION
Filed: October 22, 2008	:	TO WITHDRAW
Attorney Docket No. 022031-003920US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 18, 2011.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Kilpatrick Townsend & Stockton LLP has been revoked by the assignee of the patent application on June 2, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **WILSON, SONSINI GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO, CA 94304-1050**



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**KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834**

MAILED

JUN 21 2011

OFFICE OF PETITIONS

In re Application of	:	
Hovda et al.	:	
Application No. 12/255,737	:	DECISION ON PETITION
Filed: October 22, 2008	:	TO WITHDRAW FROM RECORD
Attorney Docket No. 022031-003930US	:	
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 18, 2011.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that on June 9, 2011 the power of attorney to Kilpatrick Townsend & Stockton LLP was revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272- 7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

cc: WILSON, SONSINI, GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO CA 94304-1050



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BLACK LOWE & GRAHAM, PLLC
701 FIFTH AVENUE
SUITE 4800
SEATTLE WA 98104

MAILED

APR 12 2011

OFFICE OF PETITIONS

In re Application of :
Mask et al. :
Application No. 12/255,747 : **ON PETITION**
Filed: October 22, 2008 :
Attorney Docket No. KJMA-1-1001 :

This is a decision on the petition under 37 CFR 1.102(c)(1), filed March 11, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement (PTO/SB/130 form) by the applicant's attorney that applicant is 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 3677 for action on the merits commensurate with this decision.

Joan Olszewski
Petitions Examiner
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/255,767	10/22/2008	Manfred Weber	333305US0DIV	3985
7590 11/04/2010 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER EGWIM, KELECHI CHIDI	
			ART UNIT 1762	PAPER NUMBER
			NOTIFICATION DATE 11/04/2010	DELIVERY MODE ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES



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POLSINELLI SHUGHART PC
700 West 47th Street
Suite 1000
KANSAS CITY MO 64112

MAILED
DEC 20 2011
OFFICE OF PETITIONS

In re Application of

McGinley, et al.

Application No. 12/255,797

DECISION ON PETITION

Filed: October 22, 2008

Attorney Docket No. **SCP001-327224**

This is a decision on the petition under 37 CFR 1.137(b), filed December 6, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the non-final Office action mailed November 30, 2010, which set a shortened statutory period for reply of three (3) months from its mailing date. No extension of time pursuant to 37 CFR 1.136(a) was obtained within the allowable period. Accordingly, the application became abandoned on March 1, 2011. A Notice of Abandonment was mailed June 22, 2011.

The amendment filed December 6, 2011, is noted.

The address cited on the petition differs from the address of record. A courtesy copy of this decision is being mailed to the address cited on petition. All future correspondence will be mailed solely to the address of record until appropriate written instructions to the contrary are received.

The application is being forwarded to Technology Center 3700, GAU 3754 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

In re Application No. 12/255,797

Cc:

Richard Stitt

6201 College Boulevard, Suite 500

Overland Park, KS 66211



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JOSEPH P. CURTIN
1469 N.W. MORGAN LANE
PORTLAND OR 97229

MAILED

SEP 01 2010

In re Application of	:	OFFICE OF PETITIONS
Felger, David	:	
Application No. 12/255,857	:	ON PETITION
Filed: October 22, 2008	:	
Attorney Docket No. 147.0033	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 3, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a Declaration from the applicant, David Felger. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3206. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center Art Unit 3691 for action on the merits commensurate with this decision. It is noted that there was an Office action mailed August 16, 2010, which requires a reply.

Liana Walsh
Petitions Examiner
Office of Petitions



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JOSEPH P. CURTIN
1469 N.W. MORGAN LANE
PORTLAND OR 97229

MAILED

SEP 01 2010

In re Application of	:	OFFICE OF PETITIONS
Felger, David	:	
Application No. 12/255,871	:	ON PETITION
Filed: October 22, 2008	:	
Attorney Docket No. 147.0034	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 3, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a Declaration from the applicant, David Felger. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3206. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center Art Unit 3691 for action on the merits commensurate with this decision. It is noted that there was an Office action mailed August 17, 2010, which requires a reply.

Liana Walsh
Petitions Examiner
Office of Petitions



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JOSEPH P. CURTIN
1469 N.W. MORGAN LANE
PORTLAND OR 97229

MAILED

SEP 01 2010

In re Application of
Felger, David
Application No. 12/255,899
Filed: October 22, 2008
Attorney Docket No. 147.0035

OFFICE OF PETITIONS

ON PETITION

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 3, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a Declaration from the applicant, David Felger. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3206. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center Art Unit 3691 for action on the merits commensurate with this decision. It is noted that there was an Office action mailed August 17, 2010, which requires a reply.

Liana Walsh
Petitions Examiner
Office of Petitions



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WOODARD, EMHARDT, MORIARTY, MCNETT & HENRY LLP
111 MONUMENT CIRCLE, SUITE 3700
INDIANAPOLIS IN 46204-5137

MAILED

APR 15 2011

OFFICE OF PETITIONS

In re Application of	:	
McGuckin et al.	:	DECISION REFUSING STATUS
Application No. 12/255,990	:	UNDER 37 CFR 1.47(a)
Filed: October 22, 2008	:	
Attorney Docket No. 003006-002526	:	

This is in response to the renewed petition under 37 CFR 1.47(a), filed October 1, 2010.

The petition is dismissed.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a). Also, this decision does not stay any other period for reply that may be running against the application. 37 CFR 1.181(f).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. The petition lacks item (1).

The applicable statute (35 U.S.C. § 116) requires that a "diligent effort" have been expended in attempting to find or reach the non-signing inventor. *See* MPEP 409.03(a). The showing currently fails to demonstrate that a diligent effort was made to find or locate non-signing inventor James F. McGuckin, such that the declaration can be accepted under 37 CFR 1.47(a). Where inability to find or locate a named inventor is alleged, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a *diligent effort* was made to locate the inventor.

Petitioner indicates that, prior to mailing correspondence to inventor McGuckin, Declarations that were previously signed by Mr. McGuckin were checked in addition to the USPTO PAIR

database. However, a diligent effort to find or reach inventor McGuckin should involve a broader search for his most recent address, such as a search in one of the various sources on the internet. If another address is found where he may be located currently, an attempt should be made to present the appropriate papers to Mr. McGuckin at that address.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

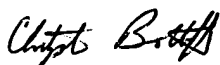
By mail: Mail Stop PETITIONS
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: Customer Service Window
 Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By fax: (571) 273-8300
 ATTN: Office of Petitions

By Internet: EFS-Web¹

Telephone inquiries should be directed to the undersigned at (571) 272-6692.



Christopher Bottorff
Petitions Examiner
Office of Petitions

¹ www.uspto.gov/ebs/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WOODARD, EMHARDT, MORIARTY, MCNETT & HENRY LLP
111 MONUMENT CIRCLE, SUITE 3700
INDIANAPOLIS IN 46204-5137

MAILED

AUG 04 2011

OFFICE OF PETITIONS

In re Application of	:	
McGuckin et al.	:	DECISION GRANTING STATUS
Application No. 12/255,990	:	UNDER 37 CFR 1.47(a)
Filed: October 22, 2008	:	
Attorney Docket No. 003006-002526	:	

This is in response to the renewed petition under 37 CFR 1.47(a), filed June 15, 2011.

The petition is **GRANTED**.

Petitioner has shown that the non-signing inventor has refused by conduct to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the last known address to which the application was sent. Notice of the filing of this application will also be published in the Official Gazette.

Telephone inquiries should be directed to the undersigned at (571) 272-6692.

Christopher Bottorff
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Dr. James F McGuckin, Jr.
585 County Line Road
Wayne, PA 19087

MAILED
AUG 04 2011
OFFICE OF PETITIONS

In re Application of
McGuckin et al.
Application No. 12/255,990
Filed: October 22, 2008
For: HOLLOW CURVED SUPERELASTIC MEDICAL NEEDLE AND METHOD

Dear Dr. McGuckin:

You are named as a joint inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application, you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel prosecuting the application (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Christopher Bottorff at (571) 272-6692. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Christopher Bottorff
Petitions Examiner
Office of Petitions

cc: WOODARD, EMHARDT, MORIARTY, MCNETT & HENRY LLP
111 MONUMENT CIRCLE, SUITE 3700
INDIANAPOLIS IN 46204-5137



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Don J. Peltó
Sheppard, Mullin, Richter & Hampton, LLP
1300 I Street, NW
11th Floor East
Washington, DC 20005

MAILED

JUN 28 2011

OFFICE OF PETITIONS

In re Application of	:
Charles J. Balzer, et. al.	:
Application No. 12/256,007	: DECISION ON PETITION
Filed: October 22, 2008	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 14ME-139227	:

This is a decision on the petition under 37 CFR 1.78(a)(3), filed June 16, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed with the petition.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional applications, accompanies this decision on petition.

This application is being forwarded to Technology Center Art Unit 1617 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed applications.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3226. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

/Andrea M. Smith/
Andrea Smith
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/256,007	10/22/2008	1617	2026	14ME-139227	38	3

CONFIRMATION NO. 4412

CORRECTED FILING RECEIPT



OC000000048428336

68850

DON J. PELTO

Sheppard, Mullin, Richter & Hampton LLP

1300 I STREET, NW

11TH FLOOR EAST

WASHINGTON, DC 20005

Date Mailed: 06/24/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Charles J. Balzer, West Orange, NJ;

John A. Giordano, West Orange, NJ;

Assignment For Published Patent Application

Everett Laboratories, Inc.

Power of Attorney: The patent practitioners associated with Customer Number 68850

Domestic Priority data as claimed by applicant

This application is a CIP of 11/928,610 10/30/2007

which is a CON of 10/916,534 08/12/2004 PAT 7,560,123

This application 12/256,007

is a CIP of 10/682,927 10/14/2003 PAT 6,863,904

which is a CIP of 09/982,205 10/19/2001 PAT 6,660,293 *

(*)Data provided by applicant is not consistent with PTO records.

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

If Required, Foreign Filing License Granted: 11/03/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/256,007**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

COMPOSITIONS AND METHODS FOR PROPHYLACTIC AND THERAPEUTIC
SUPPLEMENTATION OF NUTRITION IN SUBJECTS

Preliminary Class

424

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where

the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND OH 44114-3108

MAILED
FEB 10 2012
OFFICE OF PETITIONS

In re Application of	:	DECISION
Roy, et al.	:	ON PETITION
Application No. 12/256,033	:	
Filed: October 22, 2008	:	
Attorney Docket Number: GOWL-44444	:	

This is in response to the petition under 37 CFR 1.84(a)(2), filed February 28, 2011, for acceptance of color drawings.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled, "Renewed Petition under 37 CFR 1.84(a)(2)". No further petition fee is required for a renewed petition.

A grantable petition under 37 C.F.R. 1.84(a)(2) must be accompanied by the following:

- (1) The fee set forth in 37 C.F.R. 1.17(h);
- (2) Three (3) sets of color drawings, or one (1) set if filed via EFS, and
- (3) The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

In addition, MPEP 608.02 states that a petition to accept color drawings will only be granted when the Office "has determined that a color drawing or photograph is the only practical medium by which to disclose in a printed utility patent the subject matter to be patented."

Here, the Office has determined that color drawings for Figures 4,5,7,8, and 14 are not the only practical medium by which to disclose the subject matter. See, e.g. MPEP 608.02, Section IX, which states that drawing symbols can be used to indicate various materials where the material is an important feature of the invention.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
 Commissioner for Patents
 PO Box 1450
 Alexandria VA 22313-1450

By FAX: 571-273-8300
 Attn: Office of Petitions

The application is being forwarded to Group Art Unit 2821.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Pearne & Gordon LLP
1801 East 9th Street
Suite 1200
Cleveland OH 44114-3108

MAILED

FEB 02 2011

OFFICE OF PETITIONS

In re Application of :
James :
Application No. 12/256,044 : **DECISION ON PETITION**
Filed: October 22, 2008 :
Attorney Docket No. GOWL-4446 :


This is a decision on the petition under 37 CFR 1.182, filed December 9, 2010, to change the name of inventor "Nic James" to – Nicholas John James --.

The petition is **GRANTED**.

Office records have been updated to reflect the inventor's change of name. A corrected Filing Receipt, which reflects the inventor's change of name, accompanies this decision on petition.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3230. Any questions concerning the examination procedures or status of the application should be directed to the Office of Data Management.

This application is being referred to the Office of Data Management for processing into a patent.


Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/256,044	10/22/2008	2111	1520	GOWL-44446	14	2

CONFIRMATION NO. 4479

CORRECTED FILING RECEIPT



0000000045647253

86378

Pearne & Gordon LLP
1801 East 9th Street
Suite 1200
Cleveland, OH 44114-3108

Date Mailed: 01/25/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Nicholas John James, MILTON, CANADA;

Assignment For Published Patent Application

PSION TEKLOGIX INC., MISSISSAUGA, CANADA

Power of Attorney: The patent practitioners associated with Customer Number 000116

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/981,997 10/23/2007

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

If Required, Foreign Filing License Granted: 11/03/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/256,044**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

PASSIVE CLIENT-HOST DETECTION FOR CONNECTED PERIPHERALS

Preliminary Class

710

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

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For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS, MN 55440-1022

MAILED
FEB 15 2012
OFFICE OF PETITIONS

In re Patent of Bliss et al.	:	DECISION ON REQUEST
Patent No. 8,060,582	:	FOR RECONSIDERATION OF
Issue Date: November 15, 2011	:	PATENT TERM ADJUSTMENT
Application No. 12/256,078	:	AND NOTICE OF INTENT TO
Filing Date: October 22, 2008	:	ISSUE CERTIFICATE OF
Attorney Docket No. 16113-0800001	:	CORRECTION

This is a decision on the petition filed January 13, 2012, which is being treated as a petition under 37 C.F.R. § 1.705(d) requesting the patent term adjustment indicated on the patent be corrected to indicate the term of the patent is extended or adjusted by one hundred forty-nine (149) days.

The petition is **GRANTED to the extent indicated herein.**

The Office intends to *sua sponte* issue a certificate of correction indicating the correct patent term adjustment is 147 days. However, pursuant to 37 C.F.R. § 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, Patentees are given one (1) month or thirty (30) days, whichever is longer, from the mail date of this decision to respond to this decision. In other words, if Patentees wish to dispute the 147-day determination, a request for reconsideration of the instant decision must be filed within **one (1) month or thirty (30) days**, whichever is longer, from the mail date of the instant decision. Extensions of time may not be obtained under 37 C.F.R. § 1.136.

No portion of this decision should be construed as a waiver of the requirement, set forth in 35 U.S.C. § 154(b)(4), that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. § 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

The patent term adjustment set forth on the patent includes the following periods of delay under 37 C.F.R. § 1.704 ("Applicant Delay"):

1. A 31-day period of delay under 37 C.F.R. § 1.704(b);
2. A 33-day period of delay under 37 C.F.R. § 1.704(b); and
3. A 54-day under 37 C.F.R. § 1.704(c)(10).

Patentees assert, and the Office agrees, the Office should have entered a 26-day, instead of a 54-day, reduction in patent term adjustment under 37 C.F.R. § 1.704(c)(10).

Patentees assert the total period of Applicant Delay is 88 days. However, the total period of Applicant Delay is 90 (31 + 33 + 26) days.

Patentees assert the correct patent term adjustment is 149 days. However, the correct patent term adjustment is 147 days, which is 237 days of Office delay reduced by 90 days of Applicant Delay.

The Office acknowledges submission of the \$200.00 fee set forth in 37 C.F.R. § 1.18(e). No additional fees are required.

The application is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the patent is extended or adjusted by **one hundred forty-seven (147)** days.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203.



Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

**UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION**

PATENT NO. : 8,060,582 B2
APPLICATION NO. : 12/256,078
DATED : November 15, 2011
INVENTOR(S) : Adam Bliss et al.

DRAFT

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the Title page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 119 days.

Delete the phrase "by 119 days" and insert -- by 147 days--



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CHICAGO IL 60606

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APR 03 2012
OFFICE OF PETITIONS

In re Application of :
Sanae Shimizu, et al. :
Application No. 12/256,148 : DECISION GRANTING PETITION
Filed: October 22, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 0941.82260 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, April 2, 2012 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on March 9, 2012 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 1712 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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United States Patent and Trademark Office
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BLACK LOWE GRAHAM
701 5TH AVE., SUITE 4800
SEATTLE, WA 98104

MAILED

NOV 08 2010

In re Application of
William E. Luce et al
Application No. 12/256,204
Filed: October 22, 2008
Attorney Docket No.: GORI-1-1013

OFFICE OF PETITIONS

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 19, 2010.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.


The request is filed by Michael S. Smith on behalf of all the practitioners of record associated with Customer Number 86073.

The Office no longer accepts an address change to the new practitioner identified in the request, absent the filing of a power of attorney to the new representative. The Office will, however, change the correspondence address of record to the most current address provided for (1) the intervening assignee of the entire interest or (2) the first named inventor.

The request to withdraw from record cannot be approved at this time, since the Customer Number provided (61654) does not identify the intervening assignee of the entire interest or the first named inventor.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-3210. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.


Irvin Dingle
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 12-15-10 Paper No.: _____
TO SPE OF : ART UNIT 3686
SUBJECT : Request for Certificate of Correction for Appl. No.: 12/251210 Patent No.: 7818183
CofC mailroom date: 11/29/10

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES: Should claims be approved

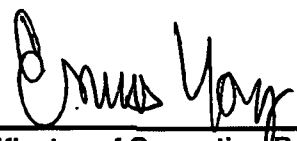
Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580



Certificates of Correction Branch
703-756-1814

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☐ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes do not apply.

☒ **Denied**

State the reasons for denial below.

Comments: _____

In claim 26, "the virtual representation" appears to be correct, not --a virtual representation--.

In claim 27, after "providers;" is an ambiguous instruction, as it appears in the claim in three places.

Jerry O'Connor

3686

SPE

Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www.uspto.gov

Date Mailed : May 10, 2011

Patent No. : 7,818,183 B2
Patent Issued : Oct. 19, 2010
Docket No. : 22569-0019001
Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322.

The alleged error(s) in claim 26, "the virtual representation" appears to be correct, not – a virtual representation. In claim 27, after "providers;" is an ambiguous instruction, as it appears in the claim in three places. The patent is printed in accordance with the record. In view of the foregoing, your request, in this matter(s), is hereby denied.

Further consideration/reconsideration will be given upon receipt of a Request for Reconsideration under, under the provision of U.S.C. 254 or 255 (C.F.R. 1.322 or 1.323), accompanied by the appropriate response or fee of \$100, which should be directed to Decisions & Certificates of Correction Branch.

Ennis Young
Legal Instrument Examiner
(571) 272-3435

For Mary Diggs, Supervisor
Decisions & Certificates of Correction Branch
(703) 756-1580 or (703) 756-1814 (Receptionist)



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Yen Jung Sung
30-47 37 St.
Astoria NY 11103

MAILED

DEC 21 2010

OFFICE OF PETITIONS

In re Application of	:	
An-Choa Chang	:	
Application No. 12/256261	:	DECISION
Filing or 371(c) Date: 10/22/2008	:	ON PETITION
Title of Invention:	:	
LEAKAGE DETECTION DEVICE	:	

This is a decision on the "Petition for Revival an Application for Patent Abandoned Unavoidably Under 37 CFR 1.137(a)," filed September 7, 2010.

This Petition is **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Missing Parts of Nonprovisional Application ("Notice"), mailed November 6, 2008. The Notice set a two (2) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No complete and proper reply having been received, the application became abandoned on January 7, 2009. A Notice of Abandonment was mailed July 15, 2009.

The petition satisfies the requirements of 37 CFR 1.137(a) in that petitioner has supplied (1) the required reply in the form of the application filing, search, and examination fees, and the surcharge for late submission of the filing fee; (2) the petition fee; and (3) a showing to the satisfaction of the Director that the entire delay was unavoidable.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

The application will be referred to the Office of Patent Application Processing for continued processing in the normal course of business.

Application No. 12/256621

Page 2

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

Cc: YEN JUNG SUNG
2180 38 ST. #C8
ASTORIA, NY 11105



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/256,278	10/22/2008	Keisuke NISHIDATE	104165.60882US	4885

EXAMINER	
PHAM, LEDA T	

ART UNIT	PAPER NUMBER
2834	

MAIL DATE	DELIVERY MODE
11/04/2010	PAPER

7590 11/04/2010
CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d) *The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Mina Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 11/04/2010
Adjusted fee: \$1,000.00
Adjusted fee: \$1,000.00
Adjusted fee: \$1,000.00



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FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS MN 55440-1022

MAILED

MAR 19 2012

OFFICE OF PETITIONS

In re Application of
TSENG et al.
Application No. 12/256,325
Filed: 10/22/2008
Attorney Docket No. 16113-1389001

:
:
:
:
:

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed January 12, 2012, to revive the application.

The petition is **GRANTED**.

The application became abandoned for failure to file a timely and proper reply within the meaning of 37 CFR 1.113 to the final Office action of July 1, 2011, which set a three-month shortened statutory period for response. Applicant obtained an extension of the time for response within the third month pursuant to 37 CFR 1.136(a). Accordingly, the application became abandoned on January 2, 2012. A Notice of Abandonment was mailed on January 13, 2012.

The petition satisfies the requirements of 37 CFR 1.137(b) in that applicant has supplied (1) the reply in the form of a RCE, the RCE fee, and the submission required by 37 CFR 1.114; (2) the petition fee; and (3) a proper statement of unintentional delay.

This application is being referred to Technology Center AU 2173 for processing of the RCE and for appropriate action by the Examiner on the amendment submitted in accordance with 37 CFR 1.114.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell
Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



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**KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834**

MAILED

APR 20 2011

OFFICE OF PETITIONS

In re Application of	:	
Vangilder et al.	:	DECISION ON PETITION
Application No. 12/256,394	:	TO WITHDRAW
Filed: October 22, 2008	:	FROM RECORD
Attorney Docket No. 026808-003901US	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 31, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by David A. Hall on behalf of all the practitioners of record associated with Customer Number 20350.

Customer Number 20350 has been withdrawn as attorney from record. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There is an outstanding Office action mailed February 4, 2011, that requires a reply from the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: AMERICAN POWER CONVERSION CORPORATION C/O SHANE HUNTER
GILLMAN CLARK LLC
176 FEDERAL STREET, 4TH FLOOR
BOSTON, MA 02110



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/256,394	10/22/2008	James VanGilder	026808-003901US

CONFIRMATION NO. 5109

POWER OF ATTORNEY NOTICE



20350
KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

Date Mailed: 04/20/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/31/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/atkelley-collier/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 08/06/11

TO SPE OF : ART UNIT 2824

SUBJECT : Request for Certificate of Correction for Appl. No.: 12256569 Patent No.: 7881137

CofC mailroom date: 07/27/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)

Randolph Square – 9D10-A

Palm Location 7580

You can fax the Directors/SPE response to 571-273-3421

Note: _____

Lamonte Newsome

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes do not apply.

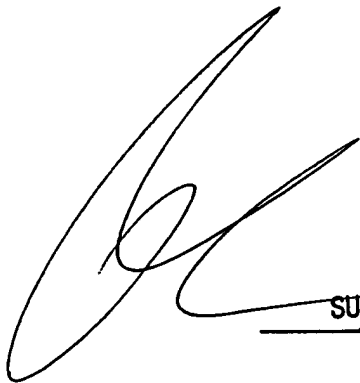
☐ **Denied**

State the reasons for denial below.

Comments: _____

OK, VTN 8/10/11

SPE RESPONSE FOR CERTIFICATE OF CORRECTION



RICHARD T. ELMS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

2824

8/10/11

SPE

Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 08/06/11

TO SPE OF : ART UNIT 2824

SUBJECT : Request for Certificate of Correction for Appl. No.: 12256569 Patent No.: 7881137

CofC mailroom date: 07/27/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580**

You can fax the Director's SPE response to 571-272-3421

Note: _____

Lamonte Newsome

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not apply.**

☐ **Denied**

State the reasons for denial below.

Comments: _____

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

/VanThu Nguyen/

2824

Primary Examiner

SPE

Art Unit



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Schwegman Lundberg & Woessner / USAA
P.O. Box 2938
Minneapolis MN 55402

MAILED

NOV 09 2011

OFFICE OF PETITIONS

In re Patent No. 8,027,853
Issue Date: September 27, 2011
Application No. 12/256,600
Filed: October 23, 2008
Attorney Docket No. US-0579.02/2244.404US1

DECISION ON PETITION

This is a decision on the Request For Certificate Of Correction, filed October 13, 2011, which is being treated as a Petition Under 37 CFR §3.81(b), to identify the correct assignee's name. A complete Certificate of Correction Form (PTO/SB/44) was submitted with Petition.

The petition under 37 CFR §3.81(b) is **GRANTED**.

Petitioner requests that the present Petition was submitted to correct the assignee's name on the previously submitted PTOL 85B and such error was inadvertent. Accordingly, petitioner requests that a Certificate of Correction (PTO/SB/44) be issued to correct assignee's name to the Title Page of the Letters Patent.

37 CFR 3.81(b), effective June 25, 2004, reads:

After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in §3.11 before issuance of the patent, and must include a request for a certificate of correction under §1.323 of this chapter (accompanied by the fee set forth in §1.20(a) and the processing fee set forth in §1.17(i) of this chapter.

The requisite \$100.00 fee (Fee Code 1811), as set forth under 37 CFR 1.20(a), and the requisite \$130.00 processing fee (Fee Code 1464), as set forth under 37 CFR 1.17(i), have been submitted. Further, Office assignment records are consistent with the requested correction. Accordingly, since the Petition complies with the provisions of 37 CFR §3.81(b), it is appropriate for the Office to issue a Certificate of Correction in accordance with the content of the Form (PTO/SB/44) submitted with Petition.

U.S. Patent No. 8,027,853
Application No. 12/256,600
Decision on Petition under 37 CFR §3.81(b)

Page 2

However, petitioner requests a correction to be made in Item (56). Therefore, the correction will be handled directly in the Certificate of Correction Branch.

Inquiries related this communication should be directed to the undersigned at (571)272-3213.

Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (703)756-1814.

This matter is being referred to the Certificates of Correction Branch for processing of a Certificate of Correction in U.S. Patent No. 8,027,853.

A handwritten signature in black ink, appearing to read "Cheryl Gibson-Baylor", is written over the typed name.

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

ALLEN DYER DIPPELT MILBRATH & GILSCRIST
(COMMSCOPE)
255 S. ORANGE AVENUE
SUITE 1401
ORLANDO, FL 32801

MAILED

JAN 31 2011

OFFICE OF PETITIONS

Applicant: Islam
Appl. No.: 12/256,617
Filing Date: October 23, 2008
Title: COAXIAL CABLE END PREPARATION TOOL WITH SAW GUIDE
AND ASSOCIATED METHODS
Attorney Docket No.: 2045/63258
Pub. No.: US 2010/0101373 A1
Pub. Date: April 29, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on May 24, 2010, for the above-identified application.

The request is **DISMISSED**.

Applicant requests that the application be republished because the patent application publication contains a material error in claim 8 wherein a dash is missing from the chemical formula.

37 CFR 1.221 (b) is applicable: “only when the Office makes a **material mistake** which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable”. A material mistake must affect the public’s ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

The instant request does not identify a material mistake in the publication made by the Office under 37 CFR 1.221(b). The claims that were printed were submitted in an amendment by Applicant’s Representative. Applicant’s petition to expunge the papers was not treated in time to prevent export of the amendment to the publisher.

The applicant is advised that a “request for republication of an application previously published” may be filed under 37 CFR 1.221(a). Such a request for republication “must include a copy of

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

It would greatly benefit the Office if **applicant did not provide copies of papers**, which were previously submitted and/or **a complete copy of the pre-grant publication**, as it unnecessarily increases the cost to the Office. See 37 CFR 1.4(b). A request for corrected publication need only point out what was printed incorrectly in the application, where the error occurs in the publication and where the correct text or drawing is found in the application papers. Marked up relevant copies of the applications papers and the pre-grant publication may facilitate processing of the request, where it is not readily apparent where the error occurs. If it is not clear why the error is a material error, further explanation may be warranted.

A Quick Start Guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

<http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp>

OR

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication."

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.



Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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HESLIN ROTHENBERG FARLEY & MESITI P.C.
5 COLUMBIA CIRCLE
ALBANY, NY 12203

MAILED

FEB 25 2011

OFFICE OF PETITIONS

In re Application of :
Levi A. Campbell et al :
Application No. 12/256,628 :
Filed: October 23, 2008 :
Attorney Docket No. APPARATUS AND :
METHOD FOR FACILITATING PUMPED :
IMMERSION-COOLING OF AN ELECTRONIC :
SUBSYSTEM :

ON PETITION

This is a decision on the petition, filed February 24, 2011 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on February 18, 2011 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2835 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).



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United States Patent and Trademark Office
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**DIEHL SERVILLA LLC
33 WOOD AVE SOUTH
SECOND FLOOR, SUITE 210
ISELIN, NJ 08830**

**MAILED
NOV 02 2010
OFFICE OF PETITIONS**

In re Application	:	
Zedalis et al.	:	DECISION ON PETITION
Application No. 12/256,648	:	TO WITHDRAW
Filed: October 23, 2008	:	FROM RECORD
Attorney Docket No. ANS0104-00US	:	

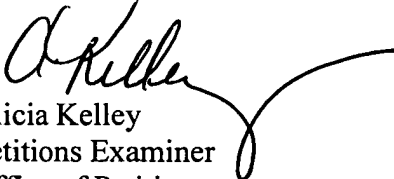
This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 30, 2010.

The request is **DISMISSED**.

A review of the file record indicates that a Power of Attorney was filed on September 29, 2010, by the assignee. Therefore the practitioners associated with Customer Number 48394, were revoked in the above identified application. As a result, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will be directed to the current correspondence address of record until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.


Alicia Kelley
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/256,663	10/23/2008	Do-Won Song	1674.82261	5666

7590 12/21/2011
GREER, BURNS & CRAIN
300 S WACKER DR
25TH FLOOR
CHICAGO, IL 60606

EXAMINER

MCDONOUGH, JAMES E

ART UNIT	PAPER NUMBER
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1731

MAIL DATE	DELIVERY MODE
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12/21/2011

PAPER

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

December 21, 2011

GREER, BURNS & CRAIN
300 S WACKER DR
25TH FLOOR
CHICAGO IL 60606

In re Application of	:	
Song, Do-Won. et al	:	DECISION ON PETITION
Application No. 12/256,663	:	
Filed: 10/23/2008	:	ACCEPTANCE OF COLOR
Attorney Docket No. 164.82261	:	DRAWINGS

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) January 09, 2009.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Diane Terry/
Quality Control Specialist
Office of Data Management
Publications Branch

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	
Application Number	12256672	
Filing Date	23-Oct-2008	
First Named Inventor	Curtis Campbell	
Attorney Docket Number	T-7054	
Title	ISOMERIZED ALPHA OLEFIN SULFONATE AND METHOD OF MAKING THE SAME	
<p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.</p> <p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <p>(1) Petition fee;</p> <p>(2) Reply and/or issue fee;</p> <p>(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and</p> <p>(4) Statement that the entire delay was unintentional</p>		
<p>Petition Fee</p> <p><input type="radio"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="radio"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="radio"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="radio"/> Applicant(s) status remains as other than SMALL ENTITY.</p>		
<p>2. Reply and/or fee</p> <p><input checked="" type="radio"/> I certify, in accordance with 37 CFR 1.4(d)(4) that the amendment and response have already been filed in the above-identified application on 01-30-2012</p> <p><input type="radio"/> Amendment and response are attached</p> <p>RCE request, submission, and fee.</p> <p><input type="radio"/> I certify, in accordance with 37 CFR 1.4(d)(4) that the RCE Request, Submission, and Fee have already been filed in the above-identified application on</p> <p><input type="radio"/> RCE Request, Submission, and Fee are attached</p>		
Notice of Appeal		

☐ I certify, in accordance with 37 CFR 1.4(d)(4) that the Notice of Appeal and Fee have already been filed in the above-identified application on

☐ Notice of Appeal and Fee are attached

3. Terminal Disclaimer is not required, since the Electronic Petition format is not support for Design applications and applications filed before June 8, 1995. Please file using regular petition format for review by the Office of Petitions.

☒ STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.

☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.

☐ A sole inventor

☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors

☐ A joint inventor; all of whom are signing this e-petition

☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/JOSETTA I. JONES/
Name	Josetta I. Jones
Registration Number	51368



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date January 30, 2012

In re Application of Curtis Campbell

Application No. 12256672

Filed: 23-Oct-2008

DECISION ON PETITION

UNDER CFR 1.137(b)

Attorney Docket No. T-7054

This is an electronic decision on the petition under 37 CFR 1.137(b), January 30, 2012, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the outstanding Office communication. The date of abandonment is the day after the last day of the period set for reply in the Office action plus any applicable extensions of time properly requested.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a response; (2) the petition fee as set forth in 37 CFR 1.17 (m); and (3) the required statement of unintentional delay have been received. Accordingly, the response is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Technology Center.

Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
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HAMRE, SCHUMANN, MUELLER & LARSON, PC
P.O. BOX 2902
MINNEAPOLIS, MN 55402-0902

MAILED

AUG 04 2010

OFFICE OF PETITIONS

In re Application of
Andrea Baccini
Application No. 12/256,682
Filed: October 23, 2008
Attorney Docket No. 20013.116US01

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 13, 2010.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request cannot be approved because the practitioner(s) requesting the withdrawal have not certified that they have (1) given reasonable notice to the client, prior to the expiration of the response, period that the practitioner(s) intend to withdraw from employment; and (2) delivered to the client or duly authorized representative of the client papers and property (including funds) to which the client is entitled. The failure to do so may subject the practitioner to discipline. It is also noted that false certification may violate a practitioners' duty under 37 CFR 10.23(b)(4) and (b)(5).

Petitioner should also note that the Office will no longer accept address changes to a new practitioner of law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request does not include an acceptable current correspondence address for future communications from the Office.

Additionally, as set forth in MPEP 403(I), the addition or deletion of a practitioner from the list of persons associated with a Customer Number should be done by way of a Request for Customer Number Data Change (PTO/SB/124) and not a Request for Withdrawal As Attorney or Agent and Change of Correspondence Address (Form PTO/SB/83).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: PATTERSON & SHERIDAN, LLP
APPM/TX
3040 POST OAK BOULEVARD
SUITE 1500
HOUSTON, TX 77056



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

12256682

Patent No. : 7960980
Inventor(s) : Baccini
Issued : 6/14/11
For : TESTING DEVICE TO TEST PLATES FOR ELECTRONIC
CIRCUITS AND RELATIVE METHOD

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule 1.322 and 1.323.

Granting of a petition under 37 CFR 1.183, requesting the requirements of 37 CFR 3.81 to be waived, is required to correct applicant's error in the Assignee, when the correct name of the assignee was not provided in accordance with either section 3.81(a) or (b) (either no name or an incorrect name was provided in item 3 of the Issue Fee Transmittal, when the assignment had been recorded or submitted for recordation at the time the issue fee was paid, including after issuance of the patent.

A petition to correct the Assignee, under 37 CFR 1.183 should include:

- (1) the petition fee set forth in 37 CFR 1.117(h) (currently \$130);
- (2) the correct name and address of the assignee; and
- (3) the reel and frame number where the assignment is recorded or proof of the date the assignment was submitted for recordation.

Any petition under 37 CFR 1.183 should be directed to the attention of the Assistant Commissioner for Patents, using the following mailing address or FAX number.

By Mail: Commissioner of Patents and Trademarks
Box DAC
Washington, D.C. 20231

By Fax: (703) 308-6916
Attn.: Office of Petitions

If, the petition under 37 CFR 1.183, is filed and granted, the patentee would be entitled to a certificate of correction under 37 CFR 1.323 (required fee currently \$100), due to the mistake in not complying with CFR 3.81.

In view of the foregoing, your request is hereby denied.

RoChaun Hardwick
Decisions & Certificates
of Correction Branch
(571) 272-0470

KEITH TACKETT
PATTERSON & SHERIDAN, L.L.P.
3040 POST OAK BLVD. SUITE 1500
HOUSTON, TX 77056
RMH



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FOLEY HOAG, LLP
Patent Group
World Trade Center West
155 Seaport Blvd.
Boston, MA 02110

MAILED
MAR 28 2011
OFFICE OF PETITIONS

In re Application of	:	
Xingong Li, et al.	:	
Application No. 12/256,692	:	DECISION ON PETITION
Filed: October 23, 2008	:	TO WITHDRAW
Attorney Docket No. TRA-055.01	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 10, 2011.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Foley Hoag, LLP has been revoked by the assignee of the patent application on March 4, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Terri Johnson at 571-272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **GREENBERG TRAURIG, LLP**
200 Park Avenue
P.O. Box 677
Florham Par, NJ 07932



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FOLEY HOAG, LLP
Patent Group
World Trade Center West
155 Seaport Blvd.
Boston, MA 02110

MAILED

MAR 23 2011

OFFICE OF PETITIONS

In re Application of
Xingong Li, et al.
Application No. 12/256,696
Filed: October 23, 2008
Attorney Docket No. TRA-057.01

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 10, 2011.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Foley Hoag, LLP has been revoked by the assignee of the patent application on March 22, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **GREENBERG TRAURIG, LLP**
200 Park Avenue
P.O. Box 677
Florham Park, NJ 07932



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HAMRE, SCHUMANN, MUELLER & LARSON, P.C.
P.O. BOX 2902
MINNEAPOLIS MN 55402-0902

MAILED

AUG 16 2010

OFFICE OF PETITIONS

In re Application of	:	
Andrea Baccini	:	
Application No. 12/256,719	:	DECISION ON PETITION
Filed: October 23, 2008	:	TO WITHDRAW
Attorney Docket No. 20013.114US01	:	FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed July 13, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks a forwarding correspondence address of the first named inventor or a properly intervening assignee.

If the forwarding correspondence address is to the assignee, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *that properly became of record under 37 CFR 3.71*. 37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

Also all three certification boxes has not been checked. Boxes 1 and 2 were left unchecked.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-2991.

A handwritten signature in cursive script, appearing to read "Terri Johnson".

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **PATTERSON & SHERIDAN, LLP—APPM/TX**
3040 POST OAK BOULEVARD, SUITE 1500
HOUSTON, TX 77056



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P.O. BOX 2902
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AUG 04 2010

OFFICE OF PETITIONS

In re Application of
Andrea Baccini
Application No. 12/256,744
Filed: October 23, 2008
Attorney Docket No. 20013.113US01

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 13, 2010.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request cannot be approved because the practitioner(s) requesting the withdrawal have not certified that they have (1) given reasonable notice to the client, prior to the expiration of the response, period that the practitioner(s) intend to withdraw from employment; and (2) delivered to the client or duly authorized representative of the client papers and property (including funds) to which the client is entitled. The failure to do so may subject the practitioner to discipline. It is also noted that false certification may violate a practitioners' duty under 37 CFR 10.23(b)(4) and (b)(5).

Petitioner should also note that the Office will no longer accept address changes to a new practitioner of law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request does not include an acceptable current correspondence address for future communications from the Office.

Additionally, as set forth in MPEP 403(I), the addition or deletion of a practitioner from the list of persons associated with a Customer Number should be done by way of a Request for Customer Number Data Change (PTO/SB/124) and not a Request for Withdrawal As Attorney or Agent and Change of Correspondence Address (Form PTO/SB/83).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: PATTERSON & SHERIDAN, LLP
APPM/TX
3040 POST OAK BOULEVARD
SUITE 1500
HOUSTON, TX 77056



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**HAMRE, SCHUMANN, MUELLER
& LARSON, P.C.
P.O. BOX 2902
MINNEAPOLIS MN 55402-0902**

MAILED
AUG 13 2010
OFFICE OF PETITIONS

In re Application of	:	
Andrea BACCINI	:	
Application No. 12/256,767	:	DECISION ON PETITION
Filed: October 23, 2008	:	TO WITHDRAW
Attorney Docket No. 20013.112US01	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 13, 2010.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request cannot be approved because it is not clear to the Office as to whether the certifications noted above at items 1 and 2 have been performed.

Further, the Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request to change the correspondence address is to a new practitioner or law firm and is absent a proper power of attorney.

All future communications from the Office will continue to be directed to the above-listed address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/dcg/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/256,770	10/23/2008	PETER ARCATI	288903-00491	5856
7590 10/26/2010 David C. Jenkins Eckert Seamans Cherin & Mellott, LLC 44th Floor 600 Grant Street Pittsburgh, PA 15219			EXAMINER CAMPOS, JR, JUAN J	
			ART UNIT 3654	PAPER NUMBER
			MAIL DATE 10/26/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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OCT 26 2010

David C. Jenkins
Eckert Seamans Cherin & Mellott, LLC
44th Floor
600 Grant Street
Pittsburgh PA 15219

In re Application of	:	
Peter ARCATI	:	DECISION ON PETITION
Application No. 12/256,770	:	UNDER 37 CFR §1.181
Filed: October 23, 2008	:	
For: DECK BOX	:	

This is a decision on applicant's petition under 37 CFR 1.181 filed May 4, 2010 requesting withdrawal of the finality of the Office action mailed April 28, 2010.

The petition is **GRANTED**.

The record reflects that on June 25, 2009 a non-final Office action was mailed rejecting claims 1-17 using the references Moon et al., Arlemark, Ghio et al., and Anderson et al. in various combinations. On September 21, 2009 applicant filed a response amending claim 1 by incorporating claim 6 into claim 1, and cancelling claims 6, 12, 13, 16 and 17. On April 28, 2010 a final Office action was mailed rejecting claims 1-5, 7-11, 14, and 15 again using the references Moon et al., Arlemark, Ghio et al., and Anderson et al. in similar rejections as presented in the previous Office action.

In the petition, applicant argues that the examiner has improperly held applicant's arguments as moot since similar rejections have been applied to claims 1-5, 8-11, 14 and 15 in the final Office action of April 28, 2010. The examiner should have addressed all of applicant's arguments on the references being applied.

Applicant cites MPEP 707.07(f) in the petition to support his argument. MPEP 707.07(f) states that *"In order to provide a complete application file history and to enhance the clarity of the prosecution history record, an examiner must provide clear explanations of all actions taken by the examiner during prosecution of an application.*

Where the requirements are traversed, or suspension thereof requested, the examiner should make proper reference thereto in his or her action on the amendment.

Where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it."

A review of the record indicates that the examiner repeated the rejections of claims 1-5, 8-11 14 and 15 in the final Office action but failed to address applicant's arguments on the references to Moon et al., Arlemark, Ghio et al. and Anderson et al. In view of the guidelines set forth in MPEP 707.07 (f), the examiner should take note of applicant's argument and answer the substance of it.

The finality of the April 28, 2010 action is hereby withdrawn. The application will be returned to the examiner for a new Office action consistent with the decision.

Any questions concerning this petition should be directed to Quality Assurance Specialist Lanna Mai at 571-272-6767.



David Talbott, Director
Patent Technology Center 3600
Telephone No.: (571) 272-5250

lm: 10/15/10





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P.O. BOX 2902
MINNEAPOLIS, MN 55402-0902

MAILED

AUG 04 2010

OFFICE OF PETITIONS

In re Application of

Andrea Baccini

Application No. 12/256,791

Filed: October 23, 2008

Attorney Docket No. 20013.111US01

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 13, 2010.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request cannot be approved because the practitioner(s) requesting the withdrawal have not certified that they have (1) given reasonable notice to the client, prior to the expiration of the response, period that the practitioner(s) intend to withdraw from employment; and (2) delivered to the client or duly authorized representative of the client papers and property (including funds) to which the client is entitled. The failure to do so may subject the practitioner to discipline. It is also noted that false certification may violate a practitioners' duty under 37 CFR 10.23(b)(4) and (b)(5).

Petitioner should also note that the Office will no longer accept address changes to a new practitioner of law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request does not include an acceptable current correspondence address for future communications from the Office.

Additionally, as set forth in MPEP 403(I), the addition or deletion of a practitioner from the list of persons associated with a Customer Number should be done by way of a Request for Customer Number Data Change (PTO/SB/124) and not a Request for Withdrawal As Attorney or Agent and Change of Correspondence Address (Form PTO/SB/83).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: PATTERSON & SHERIDAN, LLP
APPM/TX
3040 POST OAK BOULEVARD
SUITE 1500
HOUSTON, TX 77056



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Muncy, Geissler, Olds & Lowe, PLLC
4000 Legato Road
Suite 310
Fairfax, VA 22033

MAILED

JUN 28 2011

OFFICE OF PETITIONS

In re Application of
Chung-Ho Lo, et. al.
Application No. 12/256,843
Filed: October 23, 2008
Attorney Docket No. 5545/0438PUS1

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed June 16, 2011, to revive the above-identified application.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must so notify the Office.

The application became abandoned for failure to file a reply to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed on November 6, 2008. A Notice of Abandonment was mailed July 16, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of \$82 for the filing fee, \$270 for search fee, \$110 for the examination fee and the \$65 surcharge; (2) the petition fee of \$810; and (3) an adequate statement of unintentional delay¹. Therefore, the petition is **GRANTED**.

¹ The above-identified application has been abandoned for an extended period of time. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting the statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178; 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109) (applicant obligated under 37 CFR 10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 CFR 1.137(b) to the Patent and Trademark Office).

This application file is being referred to the Office of Patent Application Processing for further processing in accordance with this decision.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

A handwritten signature in black ink, appearing to read "A. Smith", is written over the printed name and title.

Andrea Smith
Petitions Examiner
Office of Petition



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**RATNERPRESTIA
P.O. BOX 980
VALLEY FORGE PA 19482**

MAILED

MAR 16 2011

In re Application of :
Joyce et al. :
Application No. 12/256,921 :
Filed: October 23, 2008 :
Attorney Docket No. PVR-113US :

**OFFICE OF PETITIONS
DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 26, 2011.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Christopher R. Lewis on behalf of all attorneys of record, but does not include a Customer Number. Accordingly, since the practitioners were appointed by a Customer Number, the Request must reflect withdrawal of practitioners associated with the same Customer Number.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Currently, there is an outstanding Office action mailed October 4, 2010 that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**RATNERPRESTIA
P.O. BOX 980
VALLEY FORGE PA 19482**

MAILED

APR 01 2011

In re Application of
Joyce et al.
Application No. 12/256,921
Filed: October 23, 2008
Attorney Docket No. PVR-113US

OFFICE OF PETITIONS

**DECISION ON PETITION
TO WITHDRAW FROM RECORD**

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 23, 2011 and the Supplemental petition filed March 28, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

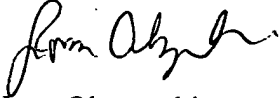
The request was signed by Christopher R. Lewis on behalf of all attorneys of record who are associated with Customer Number 23122.

All attorneys/agents associated with the Customer Number 23122 have been withdrawn. Applicants are reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor at the address indicated below.

Currently, there is an outstanding Office action mailed October 4, 2010 that requires a reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.



Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Peter J. Joyce
510 Heron Drive, Suite 301
Bridgeport, NJ 08014



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

Lisa Mueller / Abbott
c/o Michael Best Friedrich LLP
Two Prudential Plaza
180 N. Stetson Avenue
Chicago IL 60601

MAILED
NOV 25 2011
OFFICE OF PETITIONS

In re Application of :
Arthur R. GOMTSYAN et al. : ON PETITION
Application No. 12/256,924 :
Filed: October 23, 2008 :
Atty. Docket No.: 057975-140216 (9122USO1)

This is a decision on the petition under 37 CFR 1.137(b), filed November 10, 2011, to revive the above-identified application.

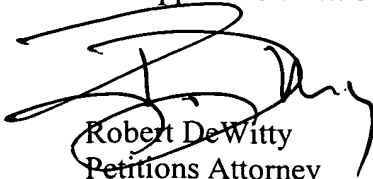
The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Fee(s) Due mailed July 18, 2011 (Notice), which set a statutory period for reply of three (3) months. The application became abandoned October 19, 2011. A Notice of Abandonment was mailed November 2, 2011.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of payment of the issue and publication fees in accordance with the Notice mailed July 18, 2011, (2) a petition fee of \$1860, and (3) a statement of unintentional delay. The reply to the Notice is accepted as being unintentionally delayed.

Telephone inquiries relating to this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427).

The application will be referred to Office of Data Management for further processing.


Robert DeWitty
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED
MAR 15 2011
OFFICE OF PETITIONS

PAUL D. YASGER
ABBOTT LABORATORIES
100 ABBOTT PARK ROAD
DEPT. 377/AP6A
ABBOTT PARK IL 60064-6008

In re Application of

Perner, et al.

Application No. 12/256,931

Filed: October 23, 2008

Attorney Docket No. 9126USO1

:
:
: DECISION ON PETITION
:

This is a decision on the petition under 37 CFR 1.137(b), filed February 1, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, July 16, 2010, which set a shortened statutory period for reply of three (3) months from its mailing date. No extension of time pursuant to 37 CFR 1.136(a) was obtained within the allowable period. Accordingly, the application became abandoned on October 17, 2010. A Notice of Abandonment was mailed January 28, 2011.

The amendment filed February 1, 2011, is noted.

The application is being forwarded to Technology Center 1600, GAU 1626 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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PITTS LAKE & BELL, P C
P.O. BOX 51295
KNOXVILLE, TN 37950-1295

MAILED

JUN 28 2011

OFFICE OF PETITIONS

In re Application of
Sean E. Howley, et. al.
Application No. 12/256,966
Filed: October 23, 2008
Attorney Docket No. 33561.00

DECISION ON PETITION
UNDER 37 CFR 1.78(a)(6)

This is a decision on the renewed petition under 37 CFR 1.78(a)(6), filed June 16, 2011, to accept an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of the prior-filed provisional application set forth in the amendment filed with the present petition.

The petition is **GRANTED**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

- (1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

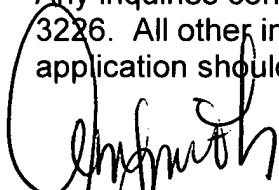
All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 119(e) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed provisional application, is enclosed with this decision.

The application is being forwarded to Technology Center Art Unit 1747 for consideration by the examiner of the claim under 35 U.S.C. §119(e) for the benefit of priority to the prior-filed provisional application.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3226. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.



Andrea Smith
Petitions Examiner
Office of Petitions

Enclosure: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/256,966	10/23/2008	1747	462	33561.00	16	3

CONFIRMATION NO. 6199

CORRECTED FILING RECEIPT

22465
PITTS LAKE & BELL P C
P O BOX 51295
KNOXVILLE, TN 37950-1295



OC000000048431402

Date Mailed: 06/24/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Sean E. Howley, Maryville, TN;
Clark A. Roberts, Maryville, TN;

Power of Attorney: The patent practitioners associated with Customer Number 22465

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/985,008 11/02/2007

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

If Required, Foreign Filing License Granted: 11/04/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/256,966**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

METHOD AND APPARATUS FOR ESTABLISHING OBTAINABLE RANGE OF DIAMETERS OF A WORKING DRUM

Preliminary Class

156

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where

the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BARLOW, JOSEPHS & HOLMES, LTD.
101 DYER STREET
5TH FLOOR
PROVIDENCE RI 02903

MAILED

NOV 08 2010

OFFICE OF PETITIONS

In re Application of	:	
Michael P. Hanley et al.	:	DECISION ON PETITION
Application No. 12/257,021	:	TO WITHDRAW
Filed: October 23, 2008	:	FROM RECORD
Attorney Docket No. K019 P01591-US1	:	

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36(b), filed September 22, 2010 and supplemented on October 14, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because the Statement under 37 CFR 3.73(b) with the current assignee information of record submitted on October 14, 2010, lacks the title of the person who is authorized to act on behalf of the assignee. Therefore, the Statement under 37 CFR 3.73(b) is deemed unacceptable and the Office cannot approve the Request to Withdraw at this present time.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BARLOW, JOSEPHS & HOLMES, LTD.
101 DYER STREET
5TH FLOOR
PROVIDENCE RI 02903

MAILED
DEC 14 2010
OFFICE OF PETITIONS

In re Application of	:	
Michael P. Hanley et al.	:	
Application No. 12/257,021	:	DECISION ON PETITION
Filed: October 23, 2008	:	TO WITHDRAW
Attorney Docket No. K019 P01591-US1	:	FROM RECORD

This is a decision on the renewed request to withdraw as attorney of record under 37 CFR § 1.36(b), filed November 12, 2010.


The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to attorneys/agents associated with Customer Number 03017 has been revoked by the assignee of the patent application on December 8, 2010. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

It is noted that the Assignee's Statement Under 37 CFR 3.73(b) list the assignee as "Kenney Manufacturing Co., a corporation". However, the U.S. Patent and Trademark Office assignment records disclose that an assignment from Reel/Frame: 021757/0143 recorded on October 29, 2008, shows the name as "Kenney Manufacturing Co., a Rhode Island Corporation" not "Kenney Manufacturing Co, a Corporation". Therefore, the Office will construe the name "Kenney Manufacturing Co, a Corporation" as the assignee of record. If this is not correct petitioner must notify the Office.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.


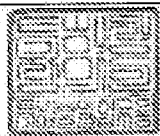
Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4584.


JoAnne Burke
Petitions Examiner
Office of Petitions

cc: THE LAW OFFICES OF STEVEN MCHUGH, LLC
46 WASHINGTON STREET
MIDDLETOWN CT 06457

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To: MICROSOFT CORPORATION Attention - Linda Johnson (L.Johnson) Bldg 8/2285 LCA International Patent Department One Microsoft Way 8/2285 Redmond Washington 98052-6399 USA		PCT NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL SEARCH REPORT AND THE WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY, OR THE DECLARATION (PCT Rule 44.1)	
Applicant's or agent's file reference 324487-02WO		Date of mailing (day/month/year) 16 APRIL 2010 (16.04.2010)	
International application No. PCT/US2009/058511		International filing date (day/month/year) 26 SEPTEMBER 2009 (26.09.2009)	
Applicant MICROSOFT CORPORATION			
<p>1. <input checked="" type="checkbox"/> The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith. Filing of amendments and statement under Article 19: The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46). When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report. Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes 1211 Geneva 20, Switzerland, Facsimile No.: +41 22 338 82 70 For more detailed instructions, see the notes on the accompanying sheet.</p> <p>2. <input type="checkbox"/> The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.</p> <p>3. <input type="checkbox"/> With regard to any protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that: <input type="checkbox"/> the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices. <input type="checkbox"/> no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.</p> <p>4. Reminders Shortly after the expiration of 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication. The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date. Within 19 months from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later); otherwise, the applicant must, within 20 months from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices. In respect of other designated Offices, the time limit of 30 months (or later) will apply even if no demand is filed within 19 months. See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the <i>PCT Applicant's Guide</i>, National Chapters.</p>			
Name and mailing address of the ISA/KR  Korean Intellectual Property Office Government Complex-Daejeon, 139 Seonsa-ro, Seo-gu, Daejeon 302-701, Republic of Korea Facsimile No. 82-42-472-7140		Authorized officer COMMISSIONER Telephone No. 82-42-481-5762 	

NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under Article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the *PCT Applicant's Guide*.

In these Notes, "Article", "Rule" and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions, respectively.

INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report and the written opinion of the International Searching Authority, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only (see *PCT Applicant's Guide*, Annex B).

The attention of the applicant is drawn to the fact that amendments to the claims under Article 19 are not allowed where the International Searching Authority has declared, under Article 17(2), that no international search report would be established (see *PCT Applicant's Guide*, paragraph 296).

What parts of the international application may be amended?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Preliminary Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

When? Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

Where not to file the amendments?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/is filed, see below.

How? Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet or sheets containing a complete set of claims in replacement of all the claims previously filed must be submitted.

Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively in Arabic numerals (Section 205(a)).

The amendments must be made in the language in which the international application is to be published.

What documents must/may accompany the amendments?

Letter (Section 205(b)):

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.

NOTES TO FORM PCT/ISA/220 (continued)

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

- (i) the claim is unchanged;
- (ii) the claim is cancelled;
- (iii) the claim is new;
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed.

The following examples illustrate the manner in which amendments must be explained in the accompanying letter:

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:
"Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."
2. [Where originally there were 15 claims and after amendment of all claims there are 11]:
"Claims 1 to 15 replaced by amended claims 1 to 11."
3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:
"Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or
"Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
4. [Where various kinds of amendments are made]:
"Claims 1 - 10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

"Statement under Article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

It must be in the language in which the international application is to be published.

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

Consequence if a demand for international preliminary examination has already been filed

If, at the time of filing any amendments and any accompanying statement, under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the time of filing the amendments (and any statement) with the International Bureau, also file with the International Preliminary Examining Authority a copy of such amendments (and of any statement) and, where required, a translation of such amendments for the procedure before that Authority (see Rules 55.3(a) and 62.2, first sentence). For further information, see the Notes to the demand form (PCT/IPEA/401).

If a demand for international preliminary examination is made, the written opinion of the International Searching Authority will, except in certain cases where the International Preliminary Examining Authority did not act as International Searching Authority and where it has notified the International Bureau under Rule 65.1bis(b), be considered to be a written opinion of the International Preliminary Examining Authority. If a demand is made, the applicant may submit to the International Preliminary Examining Authority a reply to the written opinion together, where appropriate, with amendments before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later (Rule 43bis.1(c)).

Consequence with regard to translation of the international application for entry into the national phase

The applicant's attention is drawn to the fact that, upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see the *PCT Applicant's Guide*, National Chapters.

* Attention

Copies of the documents cited in the international search report can be searched in the following Korean Intellectual Property Office English website for three months from the date of mailing of the international search report.

<http://www.kipo.go.kr/en/> => Patent Search => PCT-Service

ID : PCT international application number

PW : **YZFYRPOX**

Inquiries related to PCT International Search Report or Written Opinion prepared by KIPO as an International Searching Authority can be answered not only by KIPO but also through IPKC (Intellectual Property Korea Center), located in Vienna, VA, which functions as a PCT Help Desk for PCT applicants.

Homepage: <http://www.ipkcenter.com>

Email: ipkc@ipkcenter.com

Phone: +1 703 388 1066

Fax: +1 703 388 1084

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 324487-02WO	FOR FURTHER ACTION		see Form PCT/ISA/220 as well as, where applicable, item 5 below.
International application No. PCT/US2009/058511	International filing date (day/month/year) 26 SEPTEMBER 2009 (26.09.2009)	(Earliest) Priority Date (day/month/year) 23 OCTOBER 2008 (23.10.2008)	
Applicant MICROSOFT CORPORATION			

This International search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 3 sheets.

☐ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

a. With regard to the language, the international search was carried out on the basis of:

- ☒ the international application in the language in which it was filed
☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

b. ☐ This international search report has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 43.6bis(a)).

c. ☐ With regard to any nucleotide and/or amino acid sequence disclosed in the international application, see Box No. I.

2. ☐ Certain claims were found unsearchable (See Box No. II)

3. ☐ Unity of invention is lacking (See Box No. III)

4. With regard to the title,

- ☒ the text is approved as submitted by the applicant.
☐ the text has been established by this Authority to read as follows:

5. With regard to the abstract,

- ☒ the text is approved as submitted by the applicant.
☐ the text has been established, according to Rule 38.2, by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the drawings,

- a. the figure of the drawings to be published with the abstract is Figure No. 5
☒ as suggested by the applicant.
☐ as selected by this Authority, because the applicant failed to suggest a figure.
☐ as selected by this Authority, because this figure better characterizes the invention.
 b. ☐ none of the figure is to be published with the abstract.

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US2009/058511**A. CLASSIFICATION OF SUBJECT MATTER****G06F 12/02(2006.01)i, G06F 12/06(2006.01)i, G06F 12/08(2006.01)i**

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

G06F 12/02; G06F 12/00; G06F 12/08; G06F 12/10

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Korean utility models and applications for utility models

Japanese utility models and applications for utility models

(Chinese Patents and application for patent)

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

eKOMPASS(KIPO internal) & Keywords: memory, convert, page

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 2006-0288187 A1 (RAMANJANEYA SARMA BURUGULA et al.) 21 December 2006 See [0012] ~ [0045].	1-20
A	US 2004-0117594 A1 (JULIUS VANDERSPEK) 17 June 2004 See [0018] ~ [0042].	1-20
A	US 2005-0097298 A1 (ERNEST S. COHEN) 05 May 2005 See [0007] ~ [0087].	1-20
A	US 6715057 B1 (RICHARD E. KESSLER et al.) 30 March 2004 See column 4, line 56 ~ column 17, line 37.	1-20

☐ Further documents are listed in the continuation of Box C.☒ See patent family annex.

* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier application or patent but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step, when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&" document member of the same patent family

Date of the actual completion of the international search

15 APRIL 2010 (15.04.2010)

Date of mailing of the international search report

16 APRIL 2010 (16.04.2010)

Name and mailing address of the ISA/KR

Korean Intellectual Property Office
Government Complex-Daejeon, 139 Seonsa-ro, Seo-
gu, Daejeon 302-701, Republic of Korea

Facsimile No. 82-42-472-7140

Authorized officer

KWON, Oh Seong

Telephone No. 82-42-481-8526



INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No.

PCT/US2009/058511

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 2006-0288187 A1	21.12.2006	US 7437529 B2	14.10.2008
US 2004-0117594 A1	17.06.2004	None	
US 2005-0097298 A1	05.05.2005	AU 2004-218602 A1	19.05.2005
		AU 2004-218602 B2	21.01.2010
		BR P10404279 A	21.06.2005
		CA 2482872-A1	30.04.2005
		CN 1612112 A	04.05.2005
		EP 1528474 A2	04.05.2005
		EP 1528474 A3	02.07.2008
		JP 2005-135396 A	26.05.2005
		KR 10-2005-0041868 A	04.05.2005
		MX PA04009350 A	04.05.2005
		RU 2004131609 A	10.04.2006
		US 7310721 B2	18.12.2007
US 6715057 B1	30.03.2004	None	

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

MICROSOFT CORPORATION

Attention - Linda Johnson (L.Johnson) Bldg 8/2285 1.CA
International Patent Department One Microsoft Way 8/2285
Redmond Washington 98052-6399 USA

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing
(day/month/year)

16 APRIL 2010 (16.04.2010)

Applicant's or agent's file reference

324487-02WO

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/US2009/058511

International filing date (day/month/year)

26 SEPTEMBER 2009 (26.09.2009)

Priority date(day/month/year)

23 OCTOBER 2008 (23.10.2008)

International Patent Classification (IPC) or both national classification and IPC

G06F 12/02(2006.01)I, G06F 12/06(2006.01)I, G06F 12/08(2006.01)I

Applicant

MICROSOFT CORPORATION

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.
For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/KR
Korean Intellectual Property Office
Government Complex-Daejeon, 139
Seonsa-ro, Seo-gu, Daejeon 302
-701, Republic of Korea
Facsimile No. 82-42-472-7140

Date of completion of this opinion

15 APRIL 2010 (15.04.2010)

Authorized officer

KWON, Oh Seong

Telephone No. 82-42-481-8526



WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2009/058511

Box No. 1 Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of:

- ☒ the international application in the language in which it was filed.
☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of:

a. a sequence listing filed or furnished

- ☐ on paper
☐ in electronic form

b. time of filing or furnishing

- ☐ contained in the international application as filed.
☐ filed together with the international application in electronic form.
☐ furnished subsequently to this Authority for the purposes of search.

4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US2009/058511

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability: citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-20	YES
	Claims	NONE	NO
Inventive step (IS)	Claims	1-20	YES
	Claims	NONE	NO
Industrial applicability (IA)	Claims	1-20	YES
	Claims	NONE	NO

2. Citations and explanations :

Reference is made to the following documents:

D1: US 2006-0288187 A1 (RAMANJANEYA SARMA RURUGULA et al.) 21 December 2006
D2: US 2004-0117594 A1 (JULIUS VANDERSPEK) 17 June 2004
D3: US 2005-0097298 A1 (ERNEST S. COHEN) 05 May 2005
D4: US 6715057 B1 (RICHARD E. KESSLER et al.) 30 March 2004

1. Novelty and Inventive Step

1.1 Independent Claims

The subject matter of claim 1 differs from these prior art documents in that it is based on hierarchy page table system and a threshold, and each of the plurality of small pages is associated with one of a plurality of page table entries. And it is not obvious to a person skilled in the art by the documents, taken alone or in combination. Therefore, claim 1 meets the requirements of PCT Article 33(2) and 33(3) with respect to novelty and inventive step.

Claim 10 relates to a computer-readable media that has the same technical feature as claim 1. Therefore, claim 10 meets the requirements of PCT Article 33(2) and 33(3) with respect to novelty and inventive step.

Claim 14 relates to a computer-readable media that has the same technical feature as claim 1. Therefore, claim 14 meets the requirements of PCT Article 33(2) and 33(3) with respect to novelty and inventive step.

1.2 Dependent Claims

Claims 2-9, 11-13 and 15-20 are dependent on claims 1, 10 and 14, respectively, and therefore meet the requirements of PCT Articles 33(2) and (3).

2. Industrial Applicability

Claims 1-20 are industrially applicable under PCT Article 33(4).

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/257,091	Filing date:	10-23-2008
First Named Inventor:	FORREST C. FOLTZ		
Title of the Invention:	OPPORTUNISTIC PAGE LARGIFICATION		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBS/EF5_HELP.HTML](http://www.uspto.gov/ebs/efs_help.html)

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US09/58511

The international date of the corresponding PCT application(s) is/are: 09-26-2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☐

Is attached.

☒

Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐

Is attached.

☒

Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12/257,091
First Named Inventor:	FORREST C. FOLTZ

9

Is attached

August 10, 2010

☐

Has already been filed in the above-identified U.S. application on

7

Are attached.

Only US references cited

Have already been filed in the above-identified U.S. application on

II. Claims Correspondence Table:

[illegible]

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature	/James R. Banowsky/	Date	August 10, 2010
Name (Print/Typed)	James R. Banowsky	Registration Number	37,773

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

PATENT

First Named Inventor: FORREST C. FOLTZ
Application No.: 12/257,091
Filed: October 23, 2008
Customer No.: 45809

Attorney Docket No.: MFCP.142324/324487.01PPH
Group Art Unit: 2189
Examiner: BRAGDON, REGINALD GLENWOOD
Confirmation Number: 6410

Title: OPPORTUNISTIC PAGE LARGIFICATION

Commissioner for Patents
P.O. Box 1460
Alexandria, VA 22313-1450

**Statement on Request for Participation in the
PCT-Patent Prosecution Highway Pilot Program**

Dear Sir:

Applicants state that the claims in the PCT application are identical to the claims in the US application. The only formatting difference is that the claims in the PCT application contain numerical references that refer to the drawings. For your convenience, however, a copy of the claims in the PCT application is also included.

Accordingly, applicants respectfully request the petition to participate in the PCT – Patent Prosecution Highway Pilot Program be granted. If you have any questions, please do not hesitate to call the Applicant's attorney at the telephone number listed below.

Respectfully submitted,

Date: August 29, 2010

By: James R. Banowsky/
Atty: James R. Banowsky
Reg. No.: 37,773
Direct telephone: (425) 705-3539
Microsoft Corporation
One Microsoft Way
Redmond WA 98052-6399

CERTIFICATE OF MAILING OR TRANSMISSION
(Under 37 CFR § 1.8(a)) or ELECTRONIC FILING

I hereby certify that this correspondence is being electronically deposited with the USPTO via EFS-Web on the date shown below:

August 29, 2010
Date

/Eric Matt/
Eric Matt

CLAIMS

1. One or more computer-readable media storing computer-executable instructions for performing a method of converting a plurality of small pages associated with one or more processes executing on a computer system into a large page, each of the plurality of small pages being associated with one of a plurality of page table entries from a hierarchical page table system containing at least two levels of page tables, the method comprising:

scanning (501) a last level of the hierarchical page table system for a page table in which each of at least a threshold of a plurality of entries are associated with one of a plurality of pages, resulting in the identification of a candidate page table;

locating (504) a memory segment composed of a plurality of contiguous segments of physical memory, large enough to store each of the plurality of segments of physical memory associated with all of the plurality of entries of the candidate page table;

copying (505) each of the plurality of segments of physical memory associated with all of the plurality of entries of the candidate page table into the memory segment composed of a plurality of contiguous segments of physical memory; and

adjusting (506) a page table entry in a page table one level before the last level of the hierarchical page table system to be associated with the memory segment composed of a plurality of contiguous segments of physical memory.

2. The media of claim 1, wherein scanning a last level of the hierarchical page table system comprises selectively scanning each of a plurality of address spaces associated with the one or more processes executing on the computer system.

3. The media of claim 1, wherein the threshold of a plurality of entries is all of the plurality of entries.

4. The media of claim 1, wherein each of the plurality of entries of the candidate page table are associated with a single one of the one or more processes executing on the computer system.

5. The media of claim 1, wherein locating a memory segment composed of a plurality of contiguous segments of physical memory comprises copying data from a first location near an area of physical memory to a second location away from said area in order to create a plurality of contiguous segments of physical memory large enough to store each of the plurality of segments of physical memory associated with all of the plurality of entries of the candidate page table.

6. The media of claim 1, wherein the memory segment composed of a plurality of contiguous segments of physical memory is on a predetermined byte boundary.

7. The media of claim 1, wherein copying each of the plurality of segments of physical memory associated with all of the plurality of entries of the candidate page table further comprises freeing said plurality of segments of physical memory after they have been copied.

8. The media of claim 1, wherein said page table entry in a page table one level before the last level of the hierarchical page table system was previously associated with the candidate page table.

9. The media of claim 1, wherein adjusting a page table entry further comprises freeing a segment of memory containing the candidate page table.

10. One or more computer-readable media storing computer-executable instructions for performing a method of converting a large page into a plurality of small pages associated with one or more processes executing on a computer system, each of the small pages associated with one or more page table entries from a hierarchical page table system containing at least two levels of page tables, the method comprising:

receiving (601) an operating system notification indicating a large page to be converted to a plurality of small pages;

creating (602) a new page table;

associating (603) each of a plurality of entries in the new page table with a segment of the large page; and

adjusting (604) a page table entry in a page table one level before the last level of the hierarchical page table system to be associated with the new page table, wherein said page table entry in a page table one level before the last level of the hierarchical page table system was previously associated with the large page.

11. The media of claim 10, wherein the operating system notification is due to a need to swap out one or more segments of the large page.

12. The media of claim 10, wherein the operating system notification is due to an address space containing the large page being removed.

13. The media of claim 10, wherein the new page table has a number of entries equal to a size of the large page divided by a predetermined small page size.

14. One or more computer-readable media storing computer-executable instructions for performing a method comprising:

scanning (501) a last level of a hierarchical page table system, containing at least two levels of page tables, in each of a plurality of address spaces associated with one or more processes executing on a computer system for a page table in which each of at least a threshold of a plurality of entries are associated with one of a plurality of segments of physical memory, resulting in the identification of a candidate page table;

locating (504) a memory segment composed of a plurality of contiguous segments of physical memory, large enough to store each of the plurality of segments of physical memory associated with all of the plurality of entries of the candidate page table;

copying (505) each of the plurality of segments of physical memory associated with all of the plurality of entries of the candidate page table into the memory segment composed of a plurality of contiguous segments of physical memory;

freeing (505) a segment of memory containing the candidate page table;

adjusting (506) a page table entry in a page table one level before the last level of the hierarchical page table system, said page table entry

being previously associated with the candidate page table, to be associated with the memory segment composed of a plurality of contiguous segments of physical memory;

receiving (601) an indication from a memory subsystem incapable of swapping out large pages, indicating a segment of a large page is to be swapped out;

creating (602) a new page table with each entry in said new page table associated with a segment of the large page; and

adjusting (604) a page table entry in a page table one level before the last level of the hierarchical page table system to be associated with the new page table, wherein said page table entry in a page table one level before the last level of the hierarchical page table system was previously associated with the large page.

15. The media of claim 14, wherein the hierarchical page table system contains four levels.

16. The media of claim 14, wherein each small page is 4KB.

17. The media of claim 14, wherein each large page is 2MB.

18. The media of claim 14, wherein the memory segment composed of a plurality of contiguous segments of physical memory is on a predetermined byte boundary.

19. The media of claim 18, wherein the predetermined byte boundary is 2MB.

20. The media of claim 14, wherein the page table hierarchical page table system is addressed according to a 64-bit architecture.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/257,091	10/23/2008	FORREST C. FOLTZ	MFCP.142324/324487.01PPH	6410
45809 7590 10/04/2010 SHOOK, HARDY & BACON L.L.P. (MICROSOFT CORPORATION) INTELLECTUAL PROPERTY DEPARTMENT 2555 GRAND BOULEVARD KANSAS CITY, MO 64108-2613			EXAMINER BRAGDON, REGINALD GLENWOOD	
			ART UNIT 2189	PAPER NUMBER
			MAIL DATE 10/04/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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SHOOK, HARDY & BACON L.L.P.
(MICROSOFT CORPORATION)
INTELLECTUAL PROPERTY DEPARTMENT
2555 GRAND BOULEVARD
KANSAS CITY MO 64108-2613

In re Application of: FOLTZ et al.
Application No. 12/257,091
Docket #: MFCP.142324/324487.01PPH
Filed: October 23, 2008
For: OPPORTUNISTIC PAGE LARGIFICATION

DECISION ON REQUEST TO
PARTICIPATE IN PATENT
PROSECUTION HIGHWAY
PROGRAM AND PETITION TO
MAKE SPECIAL UNDER 37 CFR
1.102(a)

This is a decision on the request to participate in the PCT-Patent Prosecution Highway (**PCT-PPH**) pilot program and the petition under 37 CFR 1.102(a), filed August 10, 2010, to make the above- identified application special.

The petition is **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application is
 - (a) a national stage entry of the corresponding PCT application
- Or
- (b) a national application which forms the basis for the priority claim in the corresponding PCT application
- Or
- (c) a national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT application
- Or
- (d) a national application claiming foreign domestic priority to the corresponding PCT application.
Applications subject to a secrecy order (35U.S.C.181) are excluded and not subject to participation in the PCT-PPH pilot program.
- Or

- (e) a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) to (d) scenarios.

(2) The latest work product in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER, indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, or the WO/IPEA, or the IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII. The U.S. application will not be eligible to participate in the PCT-PPH pilot program if applicant does not identify and explain why the claim(s) is/are not subject to the observation described in Box VIII.

Applicant may not file a request to participate in the PCT-PPH pilot program on the basis of an International Search Report (ISR) only.

(3) Applicant must:

- a. Ensure all the claims in the U.S. application sufficiently correspond or be amended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application and
- b. Submit a claims correspondence table in English;

The USPTO will accept claims written in dependent form in the U.S. application which are narrower in scope than the claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

(4) Substantive Examination of the U.S. application has not begun;

(5) Applicant must submit a copy of:

- a. the latest international work product, WO/ISA, or WO/IPEA or PER, which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language, unless the U.S. application and the corresponding PCT application satisfy the relationship noted in (1)(a) above.

(6) Applicant must submit a copy of:

- a. the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application,
- b. an English translation of the claims and
- c. a statement that the English translation is accurate.

If the claims in the U.S. application are identical to the claims from the corresponding PCT application, and are in the English language, applicant may just indicate such in the PCT-PPH request and it will not be necessary for applicant to submit a copy of the claims from the corresponding PCT application.

(7) Applicant must submit:

- a. An IDS listing the documents cited in the work products in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER, (unless already submitted in this application)
- b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition fail to comply with the above requirements.

Specifically, the Petition fails to list the last 3 references (except the Burugula reference):

2. Citations and explanations:

Reference is made to the following documents:

- D1: US 2006-0238127 A1 (RAMANJANEYA SARMA BURUGULA et al.) 21 December 2006
D2: US 2004-0117594 A1 (HILJUS VANDERSTEEK) 17 June 2004
D3: US 2005-0497205 A1 (JONEST S. COHEN) 05 May 2005
D4: US 5715057 B1 (RICHARD E. KESSLER et al.) 30 March 2001

cited by the International Search Authority, in an IDS listing in the instant application as required by item 7 above.

The Petition is **DISMISSED**.

Applicant is given a time period of ONE MONTH or THIRTY DAYS, whichever is longer, to correct the deficiencies. NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.

If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must submitted by EFS-Web using the document description "Petition to make special under PCT-Patent Pros Hwy".

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

/Mano Padmanabhan/

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 12/257,091 Confirmation No. 6410
Applicant : Forrest C. Foltz, et al.
Filed : 10/23/2008
Title : Opportunistic Page Largification
Group Art Unit : 2189
Examiner : Reginald Glenwood Bragdon
Docket No. : MFCP.142324/324487.01PPH
Customer No. : 45809

VIA EFS – OCTOBER 27, 2010

Mail Stop Petition
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

**RESPONSE TO DECISION ON REQUEST TO PARTICIPATE IN PATENT
PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL
UNDER 37 C.F.R § 1.102(A)**

In response to the decision mailed October 4, 2010, the time period for response to which expires on November 4, 2010, Applicants hereby submit the enclosed IDS listing the references cited by the International Search Authority.

It is believed that no fee is due. However, the Commissioner is hereby authorized to charge any fee which may be required, or credit any overpayment, to Deposit Account 19-2112, with reference to Attorney Docket No. MFCP.142324/324487.01PPH.

Respectfully submitted,

/ALISON L. ERICKSON/

Alison L. Erickson
Reg. No. 65,430

ALE/tq
SHOOK, HARDY & BACON L.L.P.
2555 Grand Blvd.
Kansas City, MO 64108-2613
816-474-6550



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/257,091	10/23/2008	FORREST C. FOLTZ	MFCP.142324/324487.01PPH	6410
45809 7590 11/10/2010 SHOOK, HARDY & BACON L.L.P. (MICROSOFT CORPORATION) INTELLECTUAL PROPERTY DEPARTMENT 2555 GRAND BOULEVARD KANSAS CITY, MO 64108-2613			EXAMINER BRAGDON, REGINALD GLENWOOD	
			ART UNIT 2189	PAPER NUMBER
			MAIL DATE 11/10/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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Shook, Hardy, & Bacon, L.L.P.
(Microsoft Corporation)
Intellectual Property Department
2555 Grand Boulevard
Kansas City, MO 64108-2613

In re Application of: FOLTZZ et al.
Application No. 12/257,091
Attorney Docket #: 142324/324487.01PPH
Filed: October 23, 2008
For: **Opportunistic Page Largification**

DECISION ON REQUEST TO
PARTICIPATE IN PATENT
PROSECUTION HIGHWAY
PROGRAM AND PETITION TO
MAKE SPECIAL UNDER 37 CFR
1.102(a)

This is a decision on the request to participate in the PCT-Patent Prosecution Highway (**PCT-PPH**) program and the petition under 37 CFR 1.102(a), filed October 27, 2010 to make the above- identified application special.

The petition is **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application is
 - (a) a national stage entry of the corresponding PCT applicationOr
 - (b) a national application which forms the basis for the priority claim in the corresponding PCT applicationOr
 - (c) a national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT applicationOr
 - (d) a national application claiming foreign domestic priority to the corresponding PCT application.
Applications subject to a secrecy order (35U.S.C.181) are excluded and not subject to participation in the PCT-PPH pilot program.Or

- (e) a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) to (d) scenarios.

(2) The latest work product in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER, indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, or the WO/IPEA, or the IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII. The U.S. application will not be eligible to participate in the PCT-PPH pilot program if applicant does not identify and explain why the claim(s) is/are not subject to the observation described in Box VIII.

Applicant may not file a request to participate in the PCT-PPH pilot program on the basis of an International Search Report (ISR) only.

- (3) Applicant must:
 - a. Ensure all the claims in the U.S. application sufficiently correspond or be amended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application and
 - b. Submit a claims correspondence table in English;

The USPTO will accept claims written in dependent form in the U.S. application which are narrower in scope than the claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

- (4) Substantive Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of:
 - a. the latest international work product, WO/ISA, or WO/IPEA or PER, which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language, unless the U.S. application and the corresponding PCT application satisfy the relationship noted in (1)(a) above.
- (6) Applicant must submit a copy of:
 - a. the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application,
 - b. an English translation of the claims and
 - c. a statement that the English translation is accurate.

If the claims in the U.S. application are identical to the claims from the corresponding PCT application, and are in the English language, applicant may just indicate such in the PCT-PPH request and it will not be necessary for applicant to submit a copy of the claims from the corresponding PCT application.

(7) Applicant must submit:

- a. An IDS listing the documents cited in the work products in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER, (unless already submitted in this application)
- b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition are found to comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Mano Padmanabhan/

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210



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**MARGUERITE E. GERSTNER
TYCO ELECTRONICS CORPORATION
INTELLECTUAL PROPERTY LAW DEPARTMENT
309 CONSTITUTION DRIVE M/S R34/2A
MENLO PARK CA 94025-1164**

MAILED

DEC 20 2010

OFFICE OF PETITIONS

In re Application of :
Thomas D. Ratzlaff :
Application No. 12/257,132 : **DECISION ON PETITION**
Filed: October 23, 2008 :
Attorney Docket No. E-AD-00027 (958-3035) :

This is a decision on the petition, filed October 5, 2010, which is being treated as a petition under 37 CFR 1.8(a), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Non-Final Office action of March 4, 2010 which set a three (3) month shortened statutory period for reply. Accordingly, a reply was due on or before June 4, 2010, or, on or before September 7, 2010, with a three (3)-month extension of time. A Notice of Abandonment was mailed September 15, 2010.

Petitioner states that a timely reply was mailed via certificate of mailing on September 7, 2010, which included the following papers: an amendment, and a request for a three (3) month extension of time. Petitioner has submitted a copy of the previously mailed correspondence, which bears a certificate of mailing dated September 7, 2010, which would have rendered the reply timely if received.

The file record includes the originally submitted papers. However, the papers were received at the Office on September 13, 2010. Failure to timely receive correspondence which includes a certificate of mailing or certificate of facsimile transmission is addressed in 37 CFR 1.8(a), reproduced below:

Except in the situations enumerated in paragraph (a)(2) of this section or as otherwise expressly excluded in this chapter, correspondence required to be filed in the U.S. Patent and Trademark Office within a set period of time will be considered as being timely filed if the procedure described in this section is followed. The actual date of receipt will be used for all other purposes.

(1) Correspondence will be considered as being timely filed if:

(i) The correspondence is mailed or transmitted prior to expiration of the set period of time by being:

(A) Addressed as set out in § 1.1(a) and deposited with the U.S. Postal Service with sufficient postage as first class mail;

(B) Transmitted by facsimile to the Patent and Trademark Office in accordance with § 1.6 (d); or

(C) Transmitted via the Office electronic filing system in accordance with § 1.6(a)(4); and

(ii) The correspondence includes a certificate for each piece of correspondence stating the date of deposit or transmission. The person signing the certificate should have reasonable basis to expect that the correspondence would be mailed or transmitted on or before the date indicated.

The petition satisfies the above requirements of 37 CFR 1.8(a). Accordingly, the holding of abandonment for failure to timely file a reply to the Office action of March 4, 2010 is hereby withdrawn and the application restored to pending status.

Telephone inquiries regarding this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2839 for appropriate action in the normal course of business on the amendment filed on September 13, 2010.

/ Ramesh Krishnamurthy/

Ramesh Krishnamurthy

Petitions Examiner

Office of Petitions



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PATTERSON & SHERIDAN, LLP - - APPM/TX
3040 POST OAK BOULEVARD, SUITE 1500
HOUSTON, TX 77056

MAILED

OCT 05 2010

OFFICE OF PETITIONS

Applicant: Li-Qun Xia, et al.
Appl. No.: 12/257,137
Filing Date: October 23, 2008
Title: METHOD FOR CRITICAL DIMENSION SHRINK USING
CONFORMAL PECVD FILMS
Attorney Docket: 013003/DSM/BCVD/MDG
Pub. No.: US 2009/0286402 A1
Pub. Date: November 19, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on January 11, 2010, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material error in paragraph 0046 of the specification, wherein "TEMPEST[®] wet-clean system" was misprinted as "TEMPEST wet-clean system."

37 CFR 1.221 (b) is applicable: "only when the Office makes a **material mistake** which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable" A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

The error noted by requester with respect to "®" being omitted after the word "TEMPEST" may be Office error, but it is not a material Office errors under 37 CFR 1.221. The omission of the symbol "®" does not affect the understanding of the application. The error therefore do not affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

The trademark symbol “®” in the superscript is very small. Applicant is advised that he may want to file application papers that are clearer, as the errors are due to the quality of the text. Applicants have been advised to file applications having cleaner and larger text with sufficient clarity and contrast to permit reproduction, such as electronic reproduction by digital imaging and optical character recognition, which will avoid errors in the patent application publication process. See 37 CFR 1.52 and PCT Rule 11.9(d).

The applicant is advised that a “request for republication of an application previously published” may be filed under 37 CFR 1.221(a). Such a request for republication “must include a copy of the application compliance with the Office’s electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i).” If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

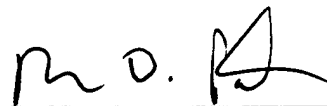
A “Quick Start Guide” for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

<http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp>

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a “Pre-Grant Publication.”

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.



Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy



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P.O. Box 1450

PAUL W. MARTIN
NCR CORPORATION, LAW DEPT.
3097 SATELLITE BLVD., 2nd FLOOR
DULUTH GA 30096

MAILED
NOV 16 2011
OFFICE OF PETITIONS

In re Application of :
William H. BARBER : ON PETITION
Application No. 12/257,193 :
Filed: October 23, 2008 :
Atty. Docket No.: 15216-C02 :

This is a decision on the petition under 37 CFR 1.137(b), filed November 3, 2011, to revive the above-identified application.

The petition is **GRANTED**.

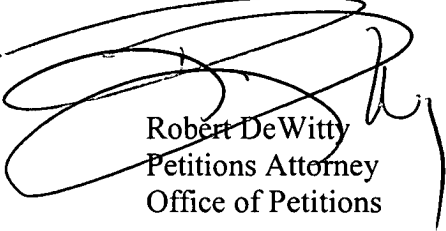
The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed September 13, 2010 (Office action), which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.137(a) was obtained. The application became abandoned December 14, 2010. A Notice of Abandonment was mailed March 30, 2011.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of a Response to the Office action mailed September 13, (2) a petition fee of \$1860, and (3) a statement of unintentional delay. The reply to the Office action is accepted as having been unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was intentional, petitioner must notify the Office.

Telephone inquiries relating to this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427).

The application will be referred to Technology Center Art Unit 3627 for consideration of the filed Response.



Robert DeWitty
Petitions Attorney
Office of Petitions



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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/257,201	10/23/2008	Jack C. SUGGETT	AB-2701 US	6603
32605	7590	06/22/2011		
Haynes and Boone, LLP IP Section 2323 Victory Avenue SUITE 700 Dallas, TX 75219			EXAMINER WILSON, GREGORY A	
			ART UNIT 3749	PAPER NUMBER
			MAIL DATE 06/22/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Haynes and Boone, LLP
IP Section
2323 Victory Avenue
SUITE 700
Dallas TX 75219

In re Application of:
SUGGETT, JACK C. et al
Serial No. 12/257,201
Filed: Oct. 23, 2008
Docket: AB-2701 US

Title: METHOD AND APPARATUS FOR
STEAM GENERATION

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:
DECISION ON REQUEST TO
PARTICIPATE IN PATENT
PROSECUTION HIGHWAY
PILOT PROGRAM AND
PETITION TO MAKE
SPECIAL UNDER 37 CFR
1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(a), filed June 13, 2011 to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH pilot program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the CIPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the CIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the CIPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the CIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the CIPO examiner in the CIPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

All other inquiries concerning the examination or status of the application should be directed to Steve McAllister, SPE of Art Unit 3749 and 571-272-6785.

The application will be forwarded to the examiner for action on the merits commensurate with this decision.

Petition Granted.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856



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FITZPATRICK CELLA HARPER & SCINTO
1290 AVENUE OF THE AMERICAS
NEW YORK, NY 10104-3800

MAILED

FEB 02 2011

OFFICE OF PETITIONS

In re Application of :
Yasushi KOYAMA, et al. :
Application No. 12/257,214 : DECISION GRANTING PETITION
Filed: October 23, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **03500.152704.** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed February 1, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on January 14, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2817 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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ROSSI, KIMMS & MCDOWELL LLP
20609 GORDON PARK SQUARE
SUITE 150
ASHBURN VA 20147

MAILED
FEB 10 2012
OFFICE OF PETITIONS

In re Application of
Masayuki Yamadaya
Application No. 12/257,315
Filed: October 23, 2008
Attorney Docket No. FUJI-0501

DECISION ON PETITION

This is a decision on the petition, filed November 30, 2011, under 37 CFR 1.181(a) to Withdraw Holding of Abandonment.

The petition under 37 CFR 1.181(a) is **GRANTED**.

The application was held abandoned for failure to timely reply to the final Office action mailed May 11, 2011.

The petition states that a reply was timely submitted on November 14, 2011 (Holiday on November 11, 2011 and November 12-13 weekend). To support this assertion, a review of the Office records shows that an amendment, Notice of Appeal and a request for a three month extension of time with fee and an Applicant Initiated Interview Request Form were submitted on November 14, 2011.

In view of the above, the holding of abandonment is hereby withdrawn and the application restored to pending status.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2816 for appropriate action by the Examiner in the normal course of business on the reply received November 14, 2011.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/257,386	10/23/2008	Roy Shkedi	14-TV9	6946
26362	7590	09/29/2010		
LOUIS J. HOFFMAN, P.C. 11811 North Tatum Boulevard, Suite 2100 Phoenix, AZ 85028			EXAMINER KOENIG, ANDREW Y	
			ART UNIT 2423	PAPER NUMBER
			NOTIFICATION DATE 09/29/2010	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Louis@valuablepatents.com
donald@valuablepatents.com
shaelyn@valuablepatents.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Louis J. Hoffman, P.C.
11811 North Tatum Boulevard, Suite 2100
Phoenix AZ 85028

In re Application of: Roy Shkedi
Application No. 12/257,386
Filed: October 23, 2008
For: **TARGETED TELEVISION
ADVERTISEMENTS BASED ON
ONLINE BEHAVIOR**

DECISION ON REQUEST TO
PARTICIPATE IN PATENT
PROSECUTION HIGHWAY
PROGRAM AND PETITION TO
MAKE SPECIAL UNDER 37 CFR
1.102(d)

MAILED
SEP 29 2010

DIRECTOR OFFICE
TECHNOLOGY CENTER 2400

This is a decision on the request to participate in the PCT- Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed July 28, 2010, to make the above-identified application special.

The petition is **GRANTED**.

A grantable request to participate in the PCT PPH program and petition to make special require:

- (1) The relationship between the corresponding U.S. application for which participation in the PCT-PPH pilot program is requested and the PCT application satisfies one of the following:
- (a) The U.S. application is a national stage entry of the corresponding PCT application.
 - (b) The U.S. application is a national application which forms the basis for the priority claim in the corresponding PCT application.
 - (c) The U.S. application is a national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT application.
 - (d) The U.S. application is a national application claiming foreign/domestic priority to the corresponding PCT application.
 - (e) The U.S. application is a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) to (d) scenarios.

- (2) The latest work product in the international phase of the PCT application corresponding to the U.S. application indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, or WO/IPEA, or IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII.
- (3) All the claims in each U.S. application for which a request for participation in the PCT-PPH pilot program is made must sufficiently correspond to or be amended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application.
- (4) Substantive examination of the U.S. application for which participation in the PCT-PPH pilot program is requested has not begun.
- (5) Applicant must submit a copy of the latest international work product which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language.
- (6) Applicant must submit a copy of the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application along with an English translation thereof and a statement that the English translation is accurate if the claims are not in the English language. Applicant is required to submit a claims correspondence table in English. The claims correspondence table must indicate how all the claims in the U.S. application sufficiently correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.
- (7) Applicant must submit an information disclosure statement (IDS) listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, PER) of the PCT.
- (8) Applicant must submit a petition fee under 37 CFR 1.17(h) for the petition to make special under 37 CFR 1.102(d).
- (9) The request for participation in the PCT-PPH pilot program and all the supporting documents must be submitted to the USPTO via EFS-Web and indexed with the following document description: "Petition to make special under PCT-Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PCT-PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Application SN 12/257,386
Decision on Petition

The request to participate in the PCT-PPH program and petition are found to comply with all the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Christopher Grant at 571-272-7294

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Christopher Grant/
Christopher Grant
Quality Assurance Specialist
Technology Center 2400



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MAILED

AUG 13 2010

OFFICE OF PETITIONS

**HAMRE, SCHUMANN, MUELLER
& LARSON, P.C.
P.O. BOX 2902
MINNEAPOLIS MN 55402-0902**

In re Application of	:	
Andrea BACCINI	:	
Application No. 12/257,456	:	DECISION ON PETITION
Filed: October 24, 2008	:	TO WITHDRAW
Attorney Docket No. 20013.119US01	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 13, 2010.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request cannot be approved because it is not clear to the Office as to whether the certifications noted above at items 1 and 2 have been performed.

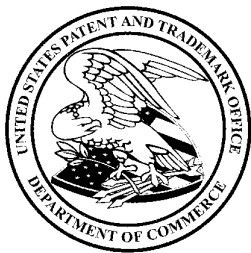
Further, the Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request to change the correspondence address is to a new practitioner or law firm and is absent a proper power of attorney.

All future communications from the Office will continue to be directed to the above-listed address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/dcg/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions



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Decision Date February 6, 2012

In re Application of Scott Carlson

Application No. 12257467

Filed: 24-Oct-2008

DECISION ON PETITION

UNDER CFR 1.137(b)

Attorney Docket No. AUS920080175U

This is an electronic decision on the petition under 37 CFR 1.137(b), February 6, 2012, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the outstanding Office communication. The date of abandonment is the day after the last day of the period set for reply in the Office action plus any applicable extensions of time properly requested.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a response; (2) the petition fee as set forth in 37 CFR 1.17 (m); and (3) the required statement of unintentional delay have been received. Accordingly, the response is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Technology Center.

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	
Application Number	12257467	
Filing Date	24-Oct-2008	
First Named Inventor	Scott Carlson	
Attorney Docket Number	AUS920080175US1	
Title	DETERMINING THE CONFIGURATION OF AN ETHERNET FABRIC	
<p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.</p> <p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <p>(1) Petition fee;</p> <p>(2) Reply and/or issue fee;</p> <p>(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and</p> <p>(4) Statement that the entire delay was unintentional</p>		
Petition Fee <input type="radio"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27. <input type="radio"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2). <input type="radio"/> Applicant(s) status remains as SMALL ENTITY. <input checked="" type="radio"/> Applicant(s) status remains as other than SMALL ENTITY.		
2. Reply and/or fee <input checked="" type="radio"/> I certify, in accordance with 37 CFR 1.4(d)(4) that the amendment and response have already been filed in the above-identified application on 02-06-2012 <input type="radio"/> Amendment and response are attached		
RCE request, submission, and fee. <input type="radio"/> I certify, in accordance with 37 CFR 1.4(d)(4) that the RCE Request, Submission, and Fee have already been filed in the above-identified application on <input type="radio"/> RCE Request, Submission, and Fee are attached		
Notice of Appeal		

☐ I certify, in accordance with 37 CFR 1.4(d)(4) that the Notice of Appeal and Fee have already been filed in the above-identified application on

☐ Notice of Appeal and Fee are attached

3. Terminal Disclaimer is not required, since the Electronic Petition format is not support for Design applications and applications filed before June 8, 1995. Please file using regular petition format for review by the Office of Petitions.

☒ STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.

☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.

☐ A sole inventor

☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors

☐ A joint inventor; all of whom are signing this e-petition

☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Robert McLAuchlan/
Name	Robert McLauchlan
Registration Number	44924



UNITED STATES PATENT AND TRADEMARK OFFICE

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HAMRE, SCHUMANN, MUELLER & LARSON, P.C.
P.O. BOX 2902
MINNEAPOLIS MN 55402-0902

MAILED

AUG 16 2010

OFFICE OF PETITIONS

In re Application of
Andrea Baccini
Application No. 12/257,468
Filed: October 24, 2008
Attorney Docket No. 13.118US01

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed July 13, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks a forwarding correspondence address of the first named inventor or a properly intervening assignee.

If the forwarding correspondence address is to the assignee, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *that properly became of record under 37 CFR 3.71*. 37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

Also all three certification boxes has not been checked. Boxes 1 and 2 were left unchecked.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-2991.



Terri Johnson
Petitions Examiner
Office of Petitions

cc: **PATTERSON & SHERIDAN, LLP—APPM/TX**
3040 POST OAK BOULEVARD, SUITE 1500
HOUSTON, TX 77056



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& LARSON, P.C.
P.O. BOX 2902
MINNEAPOLIS MN 55402-0902**

MAILED

AUG 13 2010

In re Application of
Andrea BACCINI
Application No. 12/257,486
Filed: October 24, 2008
Attorney Docket No. 20013.117US01

**OFFICE OF PETITIONS
DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 13, 2010.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request cannot be approved because it is not clear to the Office as to whether the certifications noted above at items 1 and 2 have been performed.

Further, the Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request to change the correspondence address is to a new practitioner or law firm and is absent a proper power of attorney.

All future communications from the Office will continue to be directed to the above-listed address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/dcg/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Decision Date February 6, 2012

In re Application of Scott Carlson

Application No. 12257488

Filed: 24-Oct-2008

DECISION ON PETITION

UNDER CFR 1.137(b)

Attorney Docket No. AUS920080174U

This is an electronic decision on the petition under 37 CFR 1.137(b), February 6, 2012, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the outstanding Office communication. The date of abandonment is the day after the last day of the period set for reply in the Office action plus any applicable extensions of time properly requested.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a response; (2) the petition fee as set forth in 37 CFR 1.17 (m); and (3) the required statement of unintentional delay have been received. Accordingly, the response is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Technology Center.

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	
Application Number	12257488	
Filing Date	24-Oct-2008	
First Named Inventor	Scott Carlson	
Attorney Docket Number	AUS920080174US1	
Title	FIBRE CHANNEL FRAMING AND SIGNALING OPTIONAL HEADER FOR ETHERNET FABRIC CO	
<p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.</p> <p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <p>(1) Petition fee;</p> <p>(2) Reply and/or issue fee;</p> <p>(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and</p> <p>(4) Statement that the entire delay was unintentional</p>		
Petition Fee <input type="radio"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27. <input type="radio"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2). <input type="radio"/> Applicant(s) status remains as SMALL ENTITY. <input checked="" type="radio"/> Applicant(s) status remains as other than SMALL ENTITY.		
2. Reply and/or fee <input checked="" type="radio"/> I certify, in accordance with 37 CFR 1.4(d)(4) that the amendment and response have already been filed in the above-identified application on 02-06-2012 <input type="radio"/> Amendment and response are attached		
RCE request, submission, and fee. <input type="radio"/> I certify, in accordance with 37 CFR 1.4(d)(4) that the RCE Request, Submission, and Fee have already been filed in the above-identified application on <input type="radio"/> RCE Request, Submission, and Fee are attached		
Notice of Appeal		

☐ I certify, in accordance with 37 CFR 1.4(d)(4) that the Notice of Appeal and Fee have already been filed in the above-identified application on

☐ Notice of Appeal and Fee are attached

3. Terminal Disclaimer is not required, since the Electronic Petition format is not support for Design applications and applications filed before June 8, 1995. Please file using regular petition format for review by the Office of Petitions.

☒ STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.

☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.

☐ A sole inventor

☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors

☐ A joint inventor; all of whom are signing this e-petition

☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Robert McLAuchlan/
Name	Robert McLauchlan
Registration Number	44924



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GODFREY & KAHN S.C.
780 NORTH WATER STREET
MILWAUKEE WI 53202

MAILED

SEP 22 2010

OFFICE OF PETITIONS

In re Application of :
William C. Ottemann et al. :
Application No. 12/257,535 : **DECISION ON PETITION**
Filed: October 24, 2008 :
Attorney Docket No. 073743-0143 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 31, 2010, to revive the above-identified application.

There is no indication that the person signing the petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. However, in accordance with 37 CFR 1.34(a), the signature of Alan R. Stewart appearing on the petition shall constitute a representation to the United States Patent and trademark Office that petitioner is authorized to represent the particular party on whose behalf he acts. If, Alan R. Stewart desires to be acknowledged as the attorney of record in this file, the appropriate power of attorney documents must be submitted.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, December 11, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 12, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

This application is being referred to Technology Center AU 3617 for appropriate action by the Examiner in the normal course of business on the reply received.

A handwritten signature in black ink, appearing to read 'JoAnne Burke', is positioned above the printed name.

JoAnne Burke
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

GERALD E. MCGLYNN, III
PLISS MCGLYNN, P.C.
2075 WEST BIG BEAVER ROAD, SUITE 600
TROY, MI 48084

MAILED
NOV 08 2011

In re Application of : **OFFICE OF PETITIONS**
Mladen Humer et al :
Application No. 12/257,542 : DECISION GRANTING PETITION
Filed: October 24, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 05560-USA- :
(0267.00099) :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, November 3, 2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on October 13, 2011 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 3636 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	
Application Number	12257573	
Filing Date	24-Oct-2008	
First Named Inventor	Gregory Bellows	
Attorney Docket Number	AUS920080762US1	
Title	MANAGING MISALIGNED DMA ADDRESSES	
<p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.</p> <p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <p>(1) Petition fee;</p> <p>(2) Reply and/or issue fee;</p> <p>(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and</p> <p>(4) Statement that the entire delay was unintentional</p>		
Petition Fee <input type="radio"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27. <input type="radio"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2). <input type="radio"/> Applicant(s) status remains as SMALL ENTITY. <input checked="" type="radio"/> Applicant(s) status remains as other than SMALL ENTITY.		
2. Reply and/or fee <input checked="" type="radio"/> I certify, in accordance with 37 CFR 1.4(d)(4) that the amendment and response have already been filed in the above-identified application on 02-06-2012 <input type="radio"/> Amendment and response are attached		
RCE request, submission, and fee. <input type="radio"/> I certify, in accordance with 37 CFR 1.4(d)(4) that the RCE Request, Submission, and Fee have already been filed in the above-identified application on <input type="radio"/> RCE Request, Submission, and Fee are attached		
Notice of Appeal		

☐ I certify, in accordance with 37 CFR 1.4(d)(4) that the Notice of Appeal and Fee have already been filed in the above-identified application on

☐ Notice of Appeal and Fee are attached

3. Terminal Disclaimer is not required, since the Electronic Petition format is not support for Design applications and applications filed before June 8, 1995. Please file using regular petition format for review by the Office of Petitions.

☒ STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.

☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.

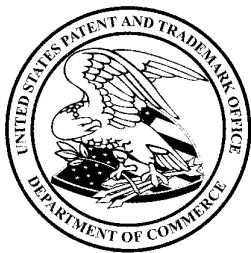
☐ A sole inventor

☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors

☐ A joint inventor; all of whom are signing this e-petition

☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Robert McLAuchlan/
Name	Robert McLauchlan
Registration Number	44924



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date February 6, 2012

In re Application of Gregory Bellows

Application No. 12257573

Filed: 24-Oct-2008

DECISION ON PETITION

UNDER CFR 1.137(b)

Attorney Docket No. AUS920080762U

This is an electronic decision on the petition under 37 CFR 1.137(b), February 6, 2012, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the outstanding Office communication. The date of abandonment is the day after the last day of the period set for reply in the Office action plus any applicable extensions of time properly requested.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a response; (2) the petition fee as set forth in 37 CFR 1.17 (m); and (3) the required statement of unintentional delay have been received. Accordingly, the response is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Technology Center.

Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date February 6, 2012

In re Application of Gregory Bellows

Application No. 12257577

Filed: 24-Oct-2008

DECISION ON PETITION

UNDER CFR 1.137(b)

Attorney Docket No. AUS920080764U

This is an electronic decision on the petition under 37 CFR 1.137(b), February 6, 2012, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the outstanding Office communication. The date of abandonment is the day after the last day of the period set for reply in the Office action plus any applicable extensions of time properly requested.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a response; (2) the petition fee as set forth in 37 CFR 1.17 (m); and (3) the required statement of unintentional delay have been received. Accordingly, the response is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Technology Center.

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	
Application Number	12257577	
Filing Date	24-Oct-2008	
First Named Inventor	Gregory Bellows	
Attorney Docket Number	AUS920080764US1	
Title	MANAGING AN OUT-OF-ORDER ASYNCHRONOUS HETEROGENEOUS REMOTE DIRECT MEM	
<p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.</p> <p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <p>(1) Petition fee;</p> <p>(2) Reply and/or issue fee;</p> <p>(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and</p> <p>(4) Statement that the entire delay was unintentional</p>		
Petition Fee <input type="radio"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27. <input type="radio"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2). <input type="radio"/> Applicant(s) status remains as SMALL ENTITY. <input checked="" type="radio"/> Applicant(s) status remains as other than SMALL ENTITY.		
2. Reply and/or fee <input checked="" type="radio"/> I certify, in accordance with 37 CFR 1.4(d)(4) that the amendment and response have already been filed in the above-identified application on 02-06-2012 <input type="radio"/> Amendment and response are attached		
RCE request, submission, and fee. <input type="radio"/> I certify, in accordance with 37 CFR 1.4(d)(4) that the RCE Request, Submission, and Fee have already been filed in the above-identified application on <input type="radio"/> RCE Request, Submission, and Fee are attached		
Notice of Appeal		

☐ I certify, in accordance with 37 CFR 1.4(d)(4) that the Notice of Appeal and Fee have already been filed in the above-identified application on

☐ Notice of Appeal and Fee are attached

3. Terminal Disclaimer is not required, since the Electronic Petition format is not support for Design applications and applications filed before June 8, 1995. Please file using regular petition format for review by the Office of Petitions.

☒ STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.

☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.

☐ A sole inventor

☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors

☐ A joint inventor; all of whom are signing this e-petition

☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Robert McLAuchlan/
Name	Robert McLauchlan
Registration Number	44924



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MOORE & VAN ALLEN, PLLC FOR BOFA
430 DAVIS DRIVE, SUITE 500
POST OFFICE BOX 13706
RESEARCH TRIANGLE PARK NC 27709

MAILED
DEC 16 2011
OFFICE OF PETITIONS

In re Patent No. 8,041,619 :
Issued: October 18, 2011 :
Application No. 12/257,693 : DECISION ON PETITION
Filed: October 24, 2008 :
Attorney Docket No. 2922US1.014033.395 :

This is a decision on the request for certificate of correction filed November 21, 2011 to correct the spelling of the name "Xiahou Liu" to -- Xiaohu Liu--.

The petition is **GRANTED**.

Office records have been corrected to reflect the correct spelling of the above-named inventor. A corrected Filing Receipt, which sets forth the correct spelling of the above-named inventor, accompanies this decision on petition.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3205.

The matter is being forwarded to the Certificate of Corrections Branch for issuance of the requested certificate of correction.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/257,693	10/24/2008	3694	1414	2922US1.014033.395	22	4

CONFIRMATION NO. 7556

REPLACEMENT FILING RECEIPT



OC000000051653283

69603

MOORE & VAN ALLEN, PLLC FOR BOFA
430 DAVIS DRIVE, SUITE 500
POST OFFICE BOX 13706
RESEARCH TRIANGLE PARK, NC 27709

Date Mailed: 12/23/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Xiaohu Liu, Westchester, PA;
Richard W. Cole, Westchester, PA;
Shaohui Jia, Wilmington, DE;

Assignment For Published Patent Application

BANK OF AMERICA CORPORATION, CHARLOTTE, NC

Power of Attorney: The patent practitioners associated with Customer Number 69603

Domestic Priority data as claimed by applicant

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

If Required, Foreign Filing License Granted: 10/30/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/257,693**

Projected Publication Date: Request for Non-Publication Acknowledged

Non-Publication Request: Yes

Early Publication Request: No

Title

HYBRID MODEL FOR NEW ACCOUNT ACQUISITION

Preliminary Class

705

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

7

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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THE PROCTER & GAMBLE COMPANY
Global Legal Department - IP
Sycamore Building - 4th Floor
299 East Sixth Street
CINCINNATI OH 45202

MAILED
AUG 01 2011
OFFICE OF PETITIONS

In re Application of :
William Joseph Butsch et al. :
Application No. 12/257,729 : **DECISION ON PETITION**
Filed: October 24, 2008 :
Attorney Docket No. **9350D** :

This is a decision on the petition, filed May 19, 2011, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be submitted within two (2) months from the mail date of this decision and be entitled "Renewed Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181." See 37 CFR 1.181(f).

This application was held abandoned for failure to reply to the Notice of Allowance and Fees Due of January 20, 2011 (Notice) that required the payment of Issue and Publication fees on or before April 20, 2011. A Notice of Abandonment was mailed on May 5, 2011.

Petitioner contends that the Notice of Abandonment was mailed in error since a timely reply ("Part B - FEE(S) TRANSMITTAL") was filed on February 22, 2011. A review of the application file the record confirms receipt of the "Part B - Fee(s) Transmittal". However, the transmittal did not indicate the mode of payment of the fees due. Petitioner's deposit account authorizing the payment was not included thereon. Petitioner contends that the "Customer Number listed on the Fees Transmittal is associated with the Deposit Account Number 162480, and that the Director of USPTO was authorized to charge any additional fees

The application became abandoned by law on April 21, 2011. Accordingly, the instant petition to withdraw the holding of abandonment cannot be granted at this time.

Petitioner is strongly encouraged to consider filing a petition under 37 CFR 1.137(b) to revive an unintentionally abandoned application instead of filing a renewed petition under 37 CFR 1.181 or a petition under 37 CFR 1.137(a).

(1) The reply required to the outstanding Office action or notice, unless previously filed.

(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents

P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to the JoAnne Burke at (571) 272-4584.

/Ramesh Krishnamurthy/
Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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THE PROCTER & GAMBLE COMPANY
Global Legal Department - IP
Sycamore Building - 4th Floor
299 East Sixth Street
CINCINNATI OH 45202

MAILED
SEP 09 2011
OFFICE OF PETITIONS

In re Application of :
William Joseph Butsch et al. :
Application No. 12/257,729 : **DECISION ON PETITION**
Filed: October 24, 2008 :
Attorney Docket No. **9350D** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 22, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before April 20, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed January 20, 2011. Accordingly, the date of abandonment of this application is April 21, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1510 and the publication fee of \$300, (2) the petition fee of \$1620; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

This application is being referred to the Office of Data Management for processing into a patent.

JoAnne Burke
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Altis Law Group, Inc.
ATTN: Steven Reiss
288 SOUTH MAYO AVENUE
CITY OF INDUSTRY CA 91789

MAILED

DEC 06 2011

OFFICE OF PETITIONS

In re Application of

Chen

Application No. 12/257,768

Filed: October 24, 2008

Attorney Docket No. **032213M054**

DECISION ON PETITION

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181(a), filed November 15, 2011.

The petition is **dismissed**.

This application was held abandoned June 29, 2011, after no reply was received to the non-final Office action mailed March 28, 2011. The notice set forth a shortened statutory period of reply of three months from its mailing date. No response was received within the allowable period and the application became abandoned on June 29, 2011. A Notice of Abandonment was mailed October 24, 2011. The instant petition was filed on November 15, 2011. Petitioner maintains that the notice of March 28, 2011, was never received.

A review of the application file history reveals that, upon filing, applicant requested that the application's correspondence address be associated with that of Customer Number 54000. Such was entered into the record. At some point, the customer number with which the application was associated was changed to that of Customer Number 441, though this request was not made by the applicant. The record makes clear that the non-final Office action mailed March 28, 2011, was sent to the correspondence address of Customer Number 441. Notwithstanding, a successful petition to withdraw the holding of abandonment where applicant is alleging non-receipt of an Office action still requires that petitioner making the showing as set forth in Section 711.03(c) of the *Manual of Patent Examining Procedure*. When, as in this case petitioner is arguing that an Office communication was not received, petitioner must establish non-receipt of the Office communication in accordance with section 711.03(c) of the *Manual of Patent Examining Procedure* that requires the following:

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

In re Application No. 12/257,768

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the **master docket for the firm**. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.<

Petitioner has not made the evidentiary showing specified above. The petition is dismissed accordingly. The renewed petition must be accompanied by a copy of petitioner's **master docket record**, or, if a master docket does not exist, the renewed petition should so state.

Alternatively, petitioner may revive the application based on unintentional abandonment under 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by the required reply, the required petition fee, and a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Altis Law Group, Inc.
ATTN: Steven Reiss
288 SOUTH MAYO AVENUE
CITY OF INDUSTRY CA 91789

MAILED
JAN 12 2012
OFFICE OF PETITIONS

In re Application of

Chen

Application No. 12/257,768

Filed: October 24, 2008

DECISION ON PETITION

Attorney Docket No. **032213M054**

This is a decision on the renewed petition to withdraw the holding of abandonment under 37 CFR 1.181(a), filed December 28, 2011.

The petition is **granted**.

This application was held abandoned June 29, 2011, after no reply was received to the non-final Office action mailed March 28, 2011. The notice set forth a shortened statutory period of reply of three months from its mailing date. No response was received within the allowable period and the application became abandoned on June 29, 2011. A Notice of Abandonment was mailed October 24, 2011. The instant petition was filed on November 15, 2011. Petitioner maintains that the notice of March 28, 2011, was never received.

When, as in this case petitioner is arguing that an Office communication was not received, petitioner must establish non-receipt of the Office communication in accordance with section 711.03(c) of the *Manual of Patent Examining Procedure* that requires the following:

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

Petitioner has met the burden of proof as established by Section 711.03(c)(II) of the MPEP. The holding of abandonment is, therefore, withdrawn.

The application file is being forwarded to Technology Center GAU 2885.

Questions concerning this decision should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

AUG 16 2010

OFFICE OF PETITIONS

OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK NY 10036-8403

In re Patent No. 7,665,856	:	
Issue Date: February 23, 2010	:	
Application No. 12/257,816	:	NOTICE
Filed: October 24, 2008	:	
Attorney Docket No. P/1689-171 V9814	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-1642.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

MAILED

NOV 18 2010

OFFICE OF PETITIONS

In re Application of	:	
Hyung Dal Joo	:	
Application No. 12/257,847	:	DECISION ON PETITION
Filed: October 24, 2008	:	
Attorney Docket No. 10125-4319	:	

This is a decision on the petition, filed October 22, 2010, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

This application was held abandoned for failure to file a proper reply to the Notice to file Corrected Application Papers mailed December 12, 2008, which set a two (2) month shortened statutory period for reply. A Notice of Abandonment was mailed on August 30, 2010.

Petitioner asserts that a timely response which included replacement drawings was mailed via certificate of mailing on July 7, 2009.

Petitioner should note that although the response submitted on July 7, 2009, via certificate of mailing was received timely, it is not considered as being a proper response since the drawings were not in compliance with 37 CFR 1.84 and 37 CFR 1.21(d). The Abandonment Notice mailed August 30, 2010, indicates that the reply did not include replacement drawings as required. Accordingly, since the replacement drawings were not acceptable, the petition to withdraw of the holding of abandonment in the above-identified application cannot be granted.

ALTERNATIVE VENUE

Petitioner is strongly encouraged to consider filing a petition under 37 CFR 1.137(b) to revive an unintentionally abandoned application instead of filing a renewed petition under 37 CFR 1.181 or a petition under 37 CFR 1.137(a).

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed. In nonprovisional utility application abandoned for failure to respond to a non-final Office action, the required reply may be met by filing either (A) an argument or amendment under 37 CFR 1.111 or (B) a continuing application under 37 CFR 1.53(b).

(2) The petition fee as set forth in 37 CFR 1.17(m), \$1,620.00 for other than small entity;

(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

A form for filing a petition to revive an unintentionally abandoned application accompanies this decision for petitioner's convenience. If petitioner desires to file a petition under 37 CFR 1.137(b) instead of filing a request for reconsideration, petitioner must complete the enclosed petition form (PTO/SB/64) and pay the \$1,620.00 petition fee.

Petitioner may wish to consider hiring a registered patent attorney or agent to assist in the prosecution of this application. Additionally, petitioner is encouraged to contact the Inventors Assistance Center (IAC) by telephone at 800-786-9199 or 571-272-1000, Monday through Friday from 8:30 AM to 5:30 PM (EST). The IAC provides patent information and services to the public and is staffed by former Supervisory Patent Examiners and experienced Primary Examiners who answer general questions concerning patent examining policy and procedure.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By Hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By Internet: EFS-Web¹

The centralized facsimile number is (571) 273-8300.

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571) 272-6059.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

Enclosure: Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b); Form PTO/SB/64 and Privacy Act Statement

¹ www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)



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P.O. Box 1450
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P.O. BOX 10395
CHICAGO IL 60610

MAILED

MAR 07 2011

OFFICE OF PETITIONS

In re Application of
Hyung Dal Joo
Application No. 12/257,847
Filed: October 24, 2008
Attorney Docket No.: 10125-4319

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b),¹ filed January 13, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to file a timely reply to the Notice to File Corrected Application Papers mailed December 12, 2008. Accordingly, a Notice of Abandonment was mailed August 30, 2010.

Receipt of the replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 is acknowledged.

The application is being forwarded to the Office of Patent Application Processing for further processing.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

¹ Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/257,945	10/24/2008	Joerg Lahann	2115-003831/US	8011
27572 7590 06/30/2011 HARNES, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303			EXAMINER QIAN, YUN	
			ART UNIT 1732	PAPER NUMBER
			MAIL DATE 06/30/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Mailed:

JUN 30 2011

wk

In re application of

Lahann et al.

Serial No. 12/257,945

Filed: October 24, 2008

For: **METHODS FOR FORMING BIODEGRADABLE
NANOCOMPONENTS WITH CONTROLLED SHAPES
AND SIZES VIA ELECTRIFIED JETTING**

DECISION ON
PETITION

This is a decision on the PETITION FILED UNDER 37 CFR 1.181 on June 17, 2011 to withdraw the Finality of the Office Action mailed March 14, 2011.

DECISION

Rule 1.181, Section (f) states:

§ 1.181 Petition to the Commissioner.

(f) Any petition under this part not filed within two months of the mailing date of the action or notice from which relief is requested may be dismissed as untimely, except as otherwise provided. This two-month period is not extendable

Accordingly, the instant petition is **DISMISSED**.

/W. GARY JONES/

Director, Technology Center 1700
Chemical and Materials Engineering

Jennifer Woodside Wojtala
HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS MI 48303



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/257,957	10/24/2008	Rima F. Kaddurah-Daouk	5405-410IP	8042
20792 7590 02/15/2012 MYERS BIGEL SIBLEY & SAJOVEC PO BOX 37428 RALEIGH, NC 27627			EXAMINER WALLENHORST, MAUREEN	
			ART UNIT 1777	PAPER NUMBER
			MAIL DATE 02/15/2012	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Mailed: 2/15/12

In re application of
Kaddurah-Daouk et al.
Serial No. 12/257,957
Filed: 10/24/2008

:
: DECISION ON
: PETITION
:

For: **LIPIDOMIC APPROACHES TO DETERMINING
DRUG RESPONSE PHENOTYPES IN
CARDIOVASCULAR DISEASE**

This is a decision on a PETITION filed January 13, 2012, which has been accepted as a timely petition under 1.59(b) and MPEP 724.02 and is before the Group Director of Technology Center 1700 for consideration.

DECISION

Petitioner requests that materials submitted on January 11, 2012 be expunged. The petition is **GRANTED.**

Section 1.59 has been amended to eliminate references to returning documents that have been expunged to recognize that, with electronic Official files, there will be nothing to return when a paper is expunged.

The Office is capturing electronic images of all documents that form the Official file. Where the image is generated from a physical source document, the originating document may be disposed of once the electronic image accuracy is verified. The paper source document will eventually be destroyed under a United States National Archives and Records Administration (NARA) approved schedule. Therefore, if a document is to be expunged from the record, the only operation that will be required will be removal of the image from the Official file.

Paragraph (a)(1) of §1.59 has been amended by deleting the phrase "and returned" from the first sentence, and deleting the second sentence. Paragraph (b) of §1.59 has been amended by deleting the phrase "and return" from each of the first and second sentences. The Office will continue to provide notice in the Official file that a paper has been expunged and the Office will send a decision to the applicant notifying the applicant that the paper has been expunged.



UNITED STATES PATENT AND TRADEMARK OFFICE

The images will be removed from the Official file.

/Yvonne Eyler/
Director, Technology Center 1700
Chemical and Materials Engineering

wk

MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH NC 27627



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P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**FITZPATRICK CELLA HARPER & SCINTO
1290 AVENUE OF THE AMERICAS
NEW YORK NY 10104-3800**

MAILED

SEP 15 2011

In re Application of : **OFFICE OF PETITIONS**
Engnell et al. :
Application No. 12/257,988 : **DECISION ON PETITION**
Filed: October 24, 2008 :
Attorney Docket No. 02544.002100. :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 22, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a proper and timely manner to the final Office action mailed, December 15, 2010, which set a shortened statutory period for reply of three (3) months. A three-month extension of time under the provisions of 37 CFR 1.136(a) was timely obtained. Accordingly, the application became abandoned on June 16, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$405.00 (previously paid June 7, 2011) and the submission required by 37 CFR 1.114; (2) the petition fee of \$810.00; and (3) a proper statement of unintentional delay.

Further, 37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This matter is being referred to Technology Center AU 3725 for processing of the Request for Continued Examination under 37 CFR 1.114 and the Amendment filed with the instant petition.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:

MICROSOFT CORPORATION

Attention Patricia L. Molen 8/2297 LCA, International Patent
Department One Microsoft Way Redmond, Washington 98052-
6388 USA

PCT

**NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL SEARCH REPORT AND
THE WRITTEN OPINION OF THE INTERNATIONAL
SEARCHING AUTHORITY, OR THE DECLARATION**

(PCT Rule 44.1)

Date of mailing
(day/month/year) 15 APRIL 2010 (15.04.2010)

Applicant's or agent's file reference
325244-02WO

FOR FURTHER ACTION See paragraphs 1 and 4 below

International application No.
PCT/US2009/060847

International filing date
(day/month/year)
15 OCTOBER 2009 (15.10.2009)

Applicant

MICROSOFT CORPORATION

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46).

When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes
1211 Geneva 20, Switzerland. Facsimile No.: +41 22 338 82 70

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.

3. ☐ With regard to any protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:
☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.

☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. Reminders

Shortly after the expiration of 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the international Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within 19 months from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later); otherwise, the applicant must, within 20 months from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of 30 months (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, National Chapters.

Name and mailing address of the ISA/KR



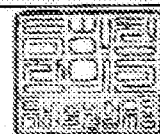
Korean Intellectual Property Office
Government Complex-Daejeon, 139 Seonsa-ro,
Seo-gu, Daejeon 302-701, Republic of Korea

Facsimile No. 82-42-472-7140

Authorized officer

COMMISSIONER

Telephone No. 8552



NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under Article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the *PCT Applicant's Guide*.

In these Notes, "Article", "Rule" and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions, respectively.

INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report and the written opinion of the International Searching Authority, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only (see *PCT Applicant's Guide*, Annex B).

The attention of the applicant is drawn to the fact that amendments to the claims under Article 19 are not allowed where the International Searching Authority has declared, under Article 17(2), that no international search report would be established (see *PCT Applicant's Guide*, paragraph 296).

What parts of the international application may be amended ?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Preliminary Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

When ? Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

Where not to file the amendments ?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/is filed, see below.

How ? Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet or sheets containing a complete set of claims in replacement of all the claims previously filed must be submitted.

Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively in Arabic numerals (Section 205(a)).

The amendments must be made in the language in which the international application is to be published.

What documents must/may accompany the amendments ?

Letter (Section 205(b)):

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.

NOTES TO FORM PCT/ISA/220 (continued)

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

- (i) the claim is unchanged;
- (ii) the claim is cancelled;
- (iii) the claim is new;
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed.

The following examples illustrate the manner in which amendments must be explained in the accompanying letter:

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:
"Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."
2. [Where originally there were 15 claims and after amendment of all claims there are 11]:
"Claims 1 to 15 replaced by amended claims 1 to 11."
3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:
"Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added" or
"Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
4. [Where various kinds of amendments are made]:
"Claims 1 - 10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

"Statement under Article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

It must be in the language in which the international application is to be published.

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

Consequence if a demand for international preliminary examination has already been filed

If, at the time of filing any amendments and any accompanying statement, under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the time of filing the amendments (and any statement) with the International Bureau, also file with the International Preliminary Examining Authority a copy of such amendments (and of any statement) and, where required, a translation of such amendments for the procedure before that Authority (see Rules 55.3(a) and 62.2, first sentence). For further information, see the Notes to the demand form (PCT/IPEA/401).

If a demand for international preliminary examination is made, the written opinion of the International Searching Authority will, except in certain cases where the International Preliminary Examining Authority did not act as International Searching Authority and where it has notified the International Bureau under Rule 66.1bis(b), be considered to be a written opinion of the International Preliminary Examining Authority. If a demand is made, the applicant may submit to the International Preliminary Examining Authority a reply to the written opinion together, where appropriate, with amendments before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later (Rule 43bis.1(c)).

Consequence with regard to translation of the international application for entry into the national phase

The applicant's attention is drawn to the fact that, upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see the *PCT Applicant's Guide*, National Chapters.

* Attention

Copies of the documents cited in the international search report can be searched in the following Korean Intellectual Property Office English website for three months from the date of mailing of the international search report.

<http://www.kipo.go.kr/en/> => Patent Search => PCT-Service

ID : PCT international application number

PW : **C1UNN0TJ**

Inquiries related to PCT International Search Report or Written Opinion prepared by KIPO as an International Searching Authority can be answered not only by KIPO but also through IPKC (Intellectual Property Korea Center), located in Vienna, VA, which functions as a PCT Help Desk for PCT applicants.

Homepage: <http://www.ipkcenter.com>

Email: ipkc@ipkcenter.com

Phone: +1 703 388 1066

Fax: +1 703 388 1084

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 325244-02WO	FOR FURTHER ACTION <small>see Form PCT/ISA/220 as well as, where applicable, item 5 below.</small>	
International application No. PCT/US2009/060847	International filing date (day/month/year) 15 OCTOBER 2009 (15.10.2009)	(Earliest) Priority Date (day/month/year) 24 OCTOBER 2008 (24.10.2008)
Applicant MICROSOFT CORPORATION		

This International search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 3 sheets.

☐ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

a. With regard to the language, the international search was carried out on the basis of:

- ☒ the international application in the language in which it was filed
☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

b. ☐ This international search report has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 43.6bis(a)).

c. ☐ With regard to any nucleotide and/or amino acid sequence disclosed in the international application, see Box No. I.

2. ☐ Certain claims were found unsearchable (See Box No. II)

3. ☐ Unity of invention is lacking (See Box No. III)

4. With regard to the title,

- ☒ the text is approved as submitted by the applicant.
☐ the text has been established by this Authority to read as follows:

5. With regard to the abstract,

- ☒ the text is approved as submitted by the applicant.
☐ the text has been established, according to Rule 38.2, by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority

6. With regard to the drawings,

- a. the figure of the drawings to be published with the abstract is Figure No. 6
☒ as suggested by the applicant.
☐ as selected by this Authority, because the applicant failed to suggest a figure.
☐ as selected by this Authority, because this figure better characterizes the invention.
b. ☐ none of the figure is to be published with the abstract.

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US2009/060847**A. CLASSIFICATION OF SUBJECT MATTER****G06F 9/06(2006.01)i, G06F 15/16(2006.01)i**

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)



IPC 8: G06F

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched
Korean Utility models applications for Utility Models since 1975, IPC as above
Japanese Utility Models and application for Utility Models since 1975, IPC as aboveElectronic data base consulted during the international search (name of data base and, where practicable, search terms used)
eKOMPASS, IEEEExpl, Google; atomic multiple modification, distributed storage system, lock, metadata;**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 2004-00133570 A1 (STEVEN SOLTIS.) 8 Jul. 2004 See the abstract, claims 1-56 and figures 1-12.	1-20
A	US 2004-0078658 A1 (CHOON SED PARK et al.) 22 Apr. 2004 See the abstract, claims 1-7 and figures 1-6.	1-20
A	US 2005-0289143 A1 (OFER USHERI et al.) 29 Dec. 2005 See the abstract, claims 1-44 and figures 1-7.	1-20
A	US 2003-0041097 A1 (ALEXANDER TORMASOV.) 27 Feb. 2003 See the abstract, claims 1-15 and figures 1-7.	1-20

☐ Further documents are listed in the continuation of Box C.☒ See patent family annex.

* Special categories of cited documents.	"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention.
"A" document defining the general state of the art which is not considered to be of particular relevance	"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"E" earlier application or patent but published on or after the international filing date	"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of citation or other special reason (as specified)	"&" document member of the same patent family
"O" document referring to an oral disclosure, use, exhibition or other means	
"P" document published prior to the international filing date but later than the priority date claimed	

Date of the actual completion of the international search 14 APRIL 2010 (14.04.2010)	Date of mailing of the international search report 15 APRIL 2010 (15.04.2010)
Name and mailing address of the ISA/KR  Korean Intellectual Property Office Government Complex-Daejeon, 139 Seonsa-ro, Seo-gu, Daejeon 302-701, Republic of Korea Facsimile No. 82-42-472-7140	Authorized officer BOK, Jin Yo Telephone No. 82-42-481-5113 

INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No.

PCT/US2009/060847

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 2004-0133670 A1	08.07.2004	US 06697846 B1	24.02.2004
US 2004-0078658 A1	22.04.2004	KR 20030075854 A	26.09.2003
		KR 10-0453228 B1	15.10.2004
		US 07139927 B2	21.11.2006
US 2005-289143 A1	29.12.2005	US 2009-094243 A1	09.04.2009
US 2003-041097 A1	27.02.2003	None	

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To: MICROSOFT CORPORATION Attention Patricia L. Molen 8/2297 LCA, International Patent Department One Microsoft Way Redmond, Washington 98052-6388 USA
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PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing (day/month/year) 15 APRIL 2010 (15.04.2010)	
Applicant's or agent's file reference 325244-02WO	FOR FURTHER ACTION See paragraph 2 below
International application No. PCT/US2009/060847	International filing date (day/month/year) 15 OCTOBER 2009 (15.10.2009)
Priority date(day/month/year) 24 OCTOBER 2008 (24.10.2008)	
International Patent Classification (IPC) or both national classification and IPC G06F 9/06(2006.01); G06F 15/16(2006.01);	
Applicant MICROSOFT CORPORATION	

1. This opinion contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the opinion
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.
For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/KR Korean Intellectual Property Office Government Complex-Daejeon, 139 Seonsa-ro, Seo-gu, Daejeon 302 -701, Republic of Korea Facsimile No. 82-42-472-7140	Date of completion of this opinion 14 APRIL 2010 (14.04.2010)	Authorized officer BOK, Jin Yo Telephone No. 82-42-481-5113
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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US2009/060847

Box No. 1 Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of:
 - ☒ the international application in the language in which it was filed.
 - ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).
2. ☐ This opinion has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a)).
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of:
 - a. a sequence listing filed or furnished
 - ☐ on paper
 - ☐ in electronic form
 - b. time of filing or furnishing
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in electronic form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US2009/060847

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-20	YES
	Claims	None	NO
Inventive step (IS)	Claims	1-20	YES
	Claims	None	NO
Industrial applicability (IA)	Claims	1-20	YES
	Claims	None	NO

2. Citations and explanations :

Reference is made to the following document:

D1: US 2004-0133570 A1

1) Novelty (PCT Article 33(2)) and Inventive Step (PCT Article 33(3))

The present invention relates to one or more computer-readable media storing computer-executable instructions for performing a method of performing multiple modifications to one or more streams as a single atomic unit comprising selecting one or more streams for modification as one or more selected streams, acquiring a lock on one or more meta-data associated with the one or more selected streams, decoupling each of the one or more selected streams from one or more names associated with each stream, performing a plurality of modifications to the one or more selected streams, coupling each of one or more selected streams to at least one name associated with each stream, and releasing the lock on the one or more meta-data of the one or more selected streams (claims 1-20).

Document D1, which is regarded as being the closest prior art to a present invention, describes a shared storage distributed file system presented that provides users and applications with transparent access to shared data stored on network attached storage devices by utilizing layering techniques to inherit file management functionality from existing file systems. The present invention stores meta-data for the shared data as real-data in a standard, non-modified, client-server distributed file system, such as NFS. In effect, the standard client-server file system acts as a meta-data server. The name space consisting of inode files stored as real-data on the meta-data server acts as the name space for the shared data. Similarly, file attributes of the inode files are utilized as the file attributes of the shared data. By utilizing an existing client-server system as the meta-data server, development time and complexity are greatly reduced, while speed advances in the underlying client-server system may be incorporated without alteration of the present invention. A method for communicating with network attached storage devices over layered file systems is also presented.

Continued on Supplemental Box

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US2009/060847

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.
Continuation of:

Box V

The subject matter of claims 1, 9, and 18 differs from D1 in that one or more computer-readable media storing computer-executable instructions for performing a method of performing multiple modifications to one or more streams as a single atomic unit is comprised performing a first of a plurality of modification to the one or more selected streams, determining a second of a plurality of modifications to the one or more selected streams would create an inconsistency, and reversing the first of a plurality of modifications to one or more selected stream.

And the subject matter of claims 1, 9, and 18 is not obvious to a person skilled in the art by the documents. Therefore, claims 1, 9, and 18 meet the requirements of PCT Article 33(2) and (3) with respect to novelty and inventive step.

Claims 2-8, 10-17 and 19-20 are dependent on claims 1, 9, and 18 respectively, and therefore meet the requirements of PCT Article 33(2) and (3).

2) Industrial Applicability (PCT Article 33(4))

Claims 1-20 are considered to be industrially applicable under PCT Article 33(4).

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/258,025	Filing date:	10-24-2008
First Named Inventor:	SAMUEL JAMES MCKELVIE		
Title of the Invention:	ATOMIC MULTIPLE MODIFICATION OF DATA IN A DISTRIBUTED STORAGE SYSTEM		
THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBS/DFS_HELP.HTML			

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US09/60847

The international date of the corresponding PCT application(s) is/are: 10-15-2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☐

Is attached.

☒

Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐

Is attached.

☒

Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

Application No.:	12/258,025
First Named Inventor:	SAMUEL JAMES MCKELVIE

- 9

August 10, 2010

- ☐

Has already been filed in the above-identified U.S. application on

- 9

Only US references cited

Have already been filed in the above-identified U.S. application on

[illegible]

Signature	/James R. Banowsky/	Date	August 10, 2010
Name (Print/Typed)	James R. Banowsky	Registration Number	37,773

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

PATENT

First Named Inventor: SAMUEL JAMES MCKELVIE
Application No.: 12/258,025
Filed: October 24, 2008
Customer No.: 45809

Attorney Docket No.: MFCP.143608/325244.02PPH
Group Art Unit: 2165
Examiner: ABEL JALIL, NEVEEN
Confirmation Number: 8213

Title: ATOMIC MULTIPLE MODIFICATION OF DATA IN A DISTRIBUTED STORAGE SYSTEM

Commissioner for Patents
P.O. Box 1460
Alexandria, VA 22313-1450

**Statement on Request for Participation in the
PCT-Patent Prosecution Highway Pilot Program**

Dear Sir:

Applicants state that the claims in the PCT application are identical to the claims in the US application. The only formatting difference is that the claims in the PCT application contain numerical references that refer to the drawings. For your convenience, however, a copy of the claims in the PCT application is also included.

Accordingly, applicants respectfully request the petition to participate in the PCT – Patent Prosecution Highway Pilot Program be granted. If you have any questions, please do not hesitate to call the Applicant's attorney at the telephone number listed below.

Respectfully submitted,

Date: August 29, 2010

By: /James R. Banowsky/
Atty: James R. Banowsky
Reg. No.: 37,773
Direct telephone: (425) 705-3539
Microsoft Corporation
One Microsoft Way
Redmond WA 98052-6399

CERTIFICATE OF MAILING OR TRANSMISSION
(Under 37 CFR § 1.8(a)) or ELECTRONIC FILING

I hereby certify that this correspondence is being electronically deposited with the USPTO via EFS-Web on the date shown below:

August 29, 2010
Date

/Eric Matt/
Eric Matt

CLAIMS

The invention claimed is:

1. One or more computer-readable media storing computer-executable instructions for performing a method of performing multiple modifications to one or more streams as a single atomic unit, the method comprising:
 - 5 selecting (601) one or more streams for modification as one or more selected streams;
 - acquiring (602) a lock on one or more meta-data associated with the one or more selected streams;
 - 10 decoupling (603) each of the one or more selected streams from one or more names associated with each stream;
 - performing (604, 605) a plurality of modifications to the one or more selected streams;
 - coupling (606) each of the one or more selected streams to at least one name associated with each stream; and
 - 15 releasing (607) the lock on the one or more meta-data of the one or more selected streams.
2. The media of claim 1, wherein the one or more streams are append-only streams.
- 20 3. The media of claim 1, wherein the decoupling comprises maintaining a temporary mapping storing an original coupling of each of the one or more selected streams from the name associated with each stream.

4. The media of claim 3, wherein the temporary mapping is based on a GUID of each of the one or more streams.

5. The media of claim 1, wherein the plurality of modifications comprises one or more of the following: creating a new stream, appending to an existing
5 stream, creating a copy of an existing stream, deleting a stream, renaming a stream, updating the metadata of a stream, and copying a subset of the extents of a stream to a second stream.

6. The media of claim 1, wherein the re-coupling comprises associating one or more GUIDs of the one or more selected streams with the one or more
10 names.

7. The media of claim 6, wherein the re-coupling comprises using a temporary mapping between one or more GUIDs identifying streams and one or more names.

8. The media of claim 1, wherein the plurality of modifications affect
15 the one or more selected streams by altering one or more pointers to extents without moving the data of the one or more extents.

9. One or more computer-readable media storing computer-executable instructions for performing a method of performing multiple modifications to one or more streams as a single atomic unit, the method comprising:

20 selecting (701) one or more streams for modification as one or more selected streams;

acquiring (702) a lock on one or more meta-data associated with the one or more selected streams;

decoupling (703) each of the one or more selected streams from a name associated with each stream;

performing (704) a first of a plurality of modifications to the one or more selected streams;

5 determining (705) a second of a plurality of modifications to the one or more selected streams would create an inconsistency;

reversing (706) the first of a plurality of modifications to the one or more selected streams;

10 coupling (707) each of the one or more selected streams to at least one name associated with each stream; and

releasing (708) the lock on the one or more meta-data of the one or more selected streams.

10. The media of claim 9, wherein the one or more streams are append-only.

15 11. The media of claim 9, wherein the decoupling comprises maintaining a temporary mapping storing an original coupling of each of the one or more selected streams from the name associated with each stream.

12. The media of claim 11, wherein the plurality of modifications effect one or more changes in the temporary mapping.

20 13. The media of claim 11, wherein each of the plurality of modifications create a new copy of the temporary mapping, each copy indicating a snapshot of the one or more selected streams after the application of a modification of the plurality of modifications associated with the new copy of the temporary mapping.

14. The media of claim 11, wherein the reversing the first of a plurality of modifications comprises reversing changes to each of the selected streams.

15. The media of 11, wherein the re-coupling uses the temporary mapping storing the original coupling to re-couple each of the one or more selected streams to the name associated with each stream.

16. The media of claim 9, wherein the plurality of modifications comprises one or more of the following: creating a new stream, appending to an existing stream, creating a copy of an existing stream, deleting a stream, renaming a stream, updating the metadata of a stream, and copying a subset of the extents of a stream to a second stream.

17. The media of claim 9, wherein the plurality of modifications affect the one or more selected streams by altering one or more pointers to extents without moving the data of the one or more extents.

18. One or more computer-readable media storing computer-executable instructions for performing a method of performing multiple modifications to one or more streams as a single atomic unit, the method comprising:

selecting (801) one or more append-only streams for modification as one or more selected streams;

acquiring (802) a lock on one or more meta-data associated with the one or more selected streams, wherein acquiring the lock comprises modifying a stream with a predetermined name to be a lock stream;

decoupling (803) each of the one or more selected streams from one or more names associated with each stream;

performing (804) a first of a plurality of modifications to the one or more selected streams;

determining (805) if a second of a plurality of modifications to the one or more selected streams would create an inconsistency;

5 if the second of a plurality of modifications would create an inconsistency, reversing (807) the first of a plurality of modifications to the one or more selected streams;

10 if the second of a plurality of modifications would not create an inconsistency, performing (806) a second of a plurality of modifications to the one or more selected streams;

coupling (808) each of the one or more selected streams to at least one name associated with each stream; and

releasing (809) the lock on the one or more meta-data of the one or more selected streams.

15 19. The media of claim 18, wherein the plurality of modifications affect the one or more selected streams by altering one or more pointers to extents without moving the data of the one or more extents.

20 20. The media of claim 18, wherein the plurality of modifications comprises one or more of the following: creating a new stream, appending to an existing stream, creating a copy of an existing stream, deleting a stream, renaming a stream, updating the metadata of a stream, and copying a subset of the extents of a stream to a second stream.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/258,025	10/24/2008	SAMUEL JAMES MCKELVIE	MFCP.143608/325244.02PPH	8213
45809 7590 10/04/2010 SHOOK, HARDY & BACON L.L.P. (MICROSOFT CORPORATION) INTELLECTUAL PROPERTY DEPARTMENT 2555 GRAND BOULEVARD KANSAS CITY, MO 64108-2613			EXAMINER ABEL JALIL, NEVEEN	
			ART UNIT 2165	PAPER NUMBER
			MAIL DATE 10/04/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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SHOOK, HARDY & BACON L.L.P.
(MICROSOFT CORPORATION)
INTELLECTUAL PROPERTY DEPARTMENT
2555 GRAND BOULEVARD
KANSAS CITY MO 64108-2613

In re Application of: MCKELVIE et al.
Application No. 12/258,025
Docket #: MFCP.143608/325244.02PPH
Filed: October 24, 2008
For: ATOMIC MULTIPLE MODIFICATION OF
DATA IN A DISTRIBUTED STORAGE SYSTEM

DECISION ON REQUEST TO
PARTICIPATE IN PATENT PROSECUTION
HIGHWAY PROGRAM AND PETITION TO
MAKE SPECIAL UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT-Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed August 10, 2010, to make the above- identified application special.

The petition is **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application is
 - (a) a national stage entry of the corresponding PCT application
- Or
- (b) a national application which forms the basis for the priority claim in the corresponding PCT application
- Or
- (c) a national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT application
- Or
- (d) a national application claiming foreign domestic priority to the corresponding PCT application.
Applications subject to a secrecy order (35U.S.C.181) are excluded and not subject to participation in the PCT-PPH pilot program.
- Or

- (e) a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) to (d) scenarios.

(2) The latest work product in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER, indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, or the WO/IPEA, or the IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII. The U.S. application will not be eligible to participate in the PCT-PPH pilot program if applicant does not identify and explain why the claim(s) is/are not subject to the observation described in Box VIII.

Applicant may not file a request to participate in the PCT-PPH pilot program on the basis of an International Search Report (ISR) only.

- (3) Applicant must:

- a. Ensure all the claims in the U.S. application sufficiently correspond or be amended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application and
- b. Submit a claims correspondence table in English;

The USPTO will accept claims written in dependent form in the U.S. application which are narrower in scope than the claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

- (4) Substantive Examination of the U.S. application has not begun;

- (5) Applicant must submit a copy of:

- a. the latest international work product, WO/ISA, or WO/IPEA or PER, which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language, unless the U.S. application and the corresponding PCT application satisfy the relationship noted in (1)(a) above.

- (6) Applicant must submit a copy of:

- a. the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application,
- b. an English translation of the claims and
- c. a statement that the English translation is accurate.

If the claims in the U.S. application are identical to the claims from the corresponding PCT application, and are in the English language, applicant may just indicate such in the PCT-PPH request and it will not be necessary for applicant to submit a copy of the claims from the corresponding PCT application.

(7) Applicant must submit:

- a. An IDS listing the documents cited in the work products in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER, (unless already submitted in this application)
- b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition fail to comply with the above requirements.

Specifically, the Petition fails to list the references cited by the International Search Authority, in an IDS listing in the instant application as required by item 7 above.

The Petition is **DISMISSED**.

Applicant is given a time period of ONE MONTH or THIRTY DAYS, whichever is longer, to correct the deficiencies. NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.

If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be submitted by EFS-Web using the document description "Petition to make special under PCT-Patent Pros Hwy".

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

/Mano Padmanabhan/

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 12/258,025 Confirmation No. 8213
Applicant : Samuel James McKelvie, et al.
Filed : 10/24/2008
Title : ATOMIC MULTIPLE MODIFICATION OF DATA IN A
DISTRIBUTED STORAGE SYSTEM
Group Art Unit : 2165
Examiner : Neveen Abel Jalil
Docket No. : MFCP.143608/325244.02PPH
Customer No. : 45809

VIA EFS – OCTOBER 27, 2010

Mail Stop Petition
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

**RESPONSE TO DECISION ON REQUEST TO PARTICIPATE IN PATENT
PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL
UNDER 37 C.F.R § 1.102(A)**

In response to the decision mailed October 4, 2010, the time period for response to which expires on November 4, 2010, Applicants hereby submit the enclosed IDS listing the references cited by the International Search Authority.

It is believed that no fee is due. However, the Commissioner is hereby authorized to charge any fee which may be required, or credit any overpayment, to Deposit Account 19-2112, with reference to Attorney Docket No. MFCP.143608/325244.02PPH.

Respectfully submitted,

/ALISON L. ERICKSON/

Alison L. Erickson
Reg. No. 65,430

ALE/tq
SHOOK, HARDY & BACON L.L.P.
2555 Grand Blvd.
Kansas City, MO 64108-2613
816-474-6550



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/258,025	10/24/2008	SAMUEL JAMES MCKELVIE	MFCP.143608/325244.02PPH	8213
45809 7590 11/10/2010 SHOOK, HARDY & BACON L.L.P. (MICROSOFT CORPORATION) INTELLECTUAL PROPERTY DEPARTMENT 2555 GRAND BOULEVARD KANSAS CITY, MO 64108-2613			EXAMINER ABEL JALIL, NEVEEN	
			ART UNIT 2165	PAPER NUMBER
			MAIL DATE 11/10/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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Shook, Hardy, & Bacon, L.L.P.
(Microsoft Corporation)
Intellectual Property Department
2555 Grand Boulevard
Kansas City, MO 64108-2613

In re Application of: **MCKELVIE et al.**
Application No. 12/258,025
Docket #: MFCP.143608/325244.02PPH
Filed: October 24, 2008
For: **Automatic Multiple Modification of
Data in a Distributed Storage System.**

DECISION ON REQUEST TO
PARTICIPATE IN PATENT
PROSECUTION HIGHWAY
PROGRAM AND PETITION TO
MAKE SPECIAL UNDER 37 CFR
1.102(a)

This is a decision on the renewed request to participate in the PCT-Patent Prosecution Highway (PCT-PPH) program and the petition under 37 CFR 1.102(a), filed October 27, 2010 to make the above- identified application special.

The petition is **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application is
 - (a) a national stage entry of the corresponding PCT application
- Or
- (b) a national application which forms the basis for the priority claim in the corresponding PCT application
- Or
- (c) a national stage entry of another PCT application (which can be filed in any competent receiving office) which claims priority to the corresponding PCT application
- Or
- (d) a national application claiming foreign domestic priority to the corresponding PCT application.
Applications subject to a secrecy order (35U.S.C.181) are excluded and not subject to participation in the PCT-PPH pilot program.
- Or

- (e) a continuing application (continuation, divisional, or continuation-in-part) of the U.S. application which satisfies one of the above (a) to (d) scenarios.

(2) The latest work product in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER, indicates at least one claim in the PCT application has novelty, inventive step and industrial applicability. In case any observation is described in Box VIII of the WO/ISA, or the WO/IPEA, or the IPER which forms the basis for the PCT-PPH request, applicant must identify and explain why the claim(s) is/are not subject to any observation described in Box VIII irrespective of whether an amendment is submitted to correct the observation described in Box VIII. The U.S. application will not be eligible to participate in the PCT-PPH pilot program if applicant does not identify and explain why the claim(s) is/are not subject to the observation described in Box VIII.

Applicant may not file a request to participate in the PCT-PPH pilot program on the basis of an International Search Report (ISR) only.

- (3) Applicant must:
 - a. Ensure all the claims in the U.S. application sufficiently correspond or be amended to sufficiently correspond to one or more of those claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application and
 - b. Submit a claims correspondence table in English;

The USPTO will accept claims written in dependent form in the U.S. application which are narrower in scope than the claims indicated as having novelty, inventive step and industrial applicability and free of any observation described in Box VIII in the latest work product of the corresponding PCT application.

- (4) Substantive Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of:
 - a. the latest international work product, WO/ISA, or WO/IPEA or PER, which indicated that the claim(s) has/have novelty, inventive step and industrial applicability along with an English translation thereof if the copy of the latest international work product is not in the English language, unless the U.S. application and the corresponding PCT application satisfy the relationship noted in (1)(a) above.
- (6) Applicant must submit a copy of:
 - a. the claims from the corresponding PCT application which were indicated as having novelty, inventive step and industrial applicability in the latest work product of the PCT application,
 - b. an English translation of the claims and
 - c. a statement that the English translation is accurate.

If the claims in the U.S. application are identical to the claims from the corresponding PCT application, and are in the English language, applicant may just indicate such in the PCT-PPH request and it will not be necessary for applicant to submit a copy of the claims from the corresponding PCT application.

(7) Applicant must submit:

- a. An IDS listing the documents cited in the work products in the international phase of the PCT application corresponding to the U.S. application, namely the WO/ISA, or the WO/IPEA, or the IPER, (unless already submitted in this application)
- b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition are found to comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Mano Padmanabhan/

Mano Padmanabhan
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210



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FULWIDER PATTON LLP
HOWARD HUGHES CENTER
6060 CENTER DRIVE, TENTH FLOOR
LOS ANGELES CA 90045

MAILED

SEP 21 2010

OFFICE OF PETITIONS

In re Application of :
Gary R. Hannah, Nathaniel F. Yoder, Jeff Renz : **DECISION GRANTING STATUS**
and David Weiss : **UNDER 37 CFR 1.47(a)**
Application No. 12/258,055 :
Filed: October 24, 2008 :
Attorney Docket No. BEAER-78361 :
For: Liquid Level Sensor For Galley Inserts :

This is in response to the renewed petition under 37 CFR 1.47(a), filed February 22, 2010.

The petition is **GRANTED**.

Petitioner has shown that the non-signing inventor Hannah has refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a).
This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

.This application is being referred to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Gary R. Hannah
10800 Pflumm Road
Lenexa, KS 66215

In re Application of
Gary R. Hannah, Nathaniel F. Yoder, Jeff Renz
and David Weiss
Application No. 12/258,055
Filed: October 24, 2008
Attorney Docket No. BEAER-78361
For: Liquid Level Sensor For Galley Inserts

MAILED

SEP 21 2010

OFFICE OF PETITIONS

Dear Sir:

You are named as a co-inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3215. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Charlema Grant
Petitions Attorney
Office of Petitions

cc: FULWIDER PATTON LLP
HOWARD HUGHES CENTER
6060 CENTER DRIVE, TENTH FLOOR
LOS ANGELES CA 90045

Gary R. Hannah, 6501 Millbrook Avenue, Shawnee, Kansas 66218



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

STINSON MORRISON HECKER LLP
ATTN: PATENT GROUP
1201 WALNUT STREET, SUITE 2900
KANSAS CITY MO 64106-2150

MAILED

SEP 26 2011

OFFICE OF PETITIONS

In re Application of
Charles Allen Christenson II
Application No. 12/258,096
Filed: October 24, 2008
Attorney Docket No. 835326-0004

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed August 29, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks a forwarding correspondence address of the first named inventor or a properly intervening assignee.

If the forwarding correspondence address is to the assignee, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *that properly became of record under 37 CFR 3.71*. 37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-2991.

A handwritten signature in black ink, appearing to read "Terri Johnson". The signature is fluid and cursive, with the first name "Terri" and last name "Johnson" clearly distinguishable.

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **VICTOR N. LEE**
CIC INDUSTRIES LLC
1035 S. 2ND
ALBION, NE 68620



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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**STINSON MORRISON HECKER LLP
ATTN: PATENT GROUP
1201 WALNUT STREET, SUITE 2900
KANSAS CITY, MO 64106-2150**

MAILED

DEC 19 2011

In re Application of
Charles Allen Christenson II
Application No. 12/258,096
Filed: October 24, 2008
Attorney Docket No. 835326-0004

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**OFFICE OF PETITIONS
DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 26, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Judith L. Carlson on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Charles Allen Christenson II at the address indicated below.

There is an outstanding Office action mailed July 29, 2011 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Charles Allen Christenson II**
P.O. Box 391321
Omaha, NE 68139-1321



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/258,096	10/24/2008	Charles Allen Christenson II	835326-0004

27910
STINSON MORRISON HECKER LLP
ATTN: PATENT GROUP
1201 WALNUT STREET, SUITE 2900
KANSAS CITY, MO 64106-2150

CONFIRMATION NO. 8342
POWER OF ATTORNEY NOTICE



Date Mailed: 12/13/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/26/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tsjohnson/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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SPANSION LLC C/O MURABITO , HAO & BARNES LLP
TWO NORTH MARKET STREET
THRID FLOOR
SAN JOSE CA 95113

MAILED

JUN 24 2011

OFFICE OF PETITIONS

In re Application of :
Junji Tanaka et al. :
Application No. 12/258,131 : PETITION DECISION
Filed: October 24, 2008 :
Attorney Docket No. SPSN-AF02822 :

This is a decision on the petitions under 37 CFR 1.48(a) and 37 CFR 1.47(a) filed March 11, 2011, which are being treated as a petition under 37 CFR 1.48(a) and 37 CFR 1.183 to waive the requirements of 37 CFR 1.64 and 37 CFR 1.48(a) (2).

The petitions are **dismissed**.

The rules and statutory provisions governing the operations of the U.S. Patent and Trademark Office require payment of a fee on filing each petition under 37 CFR 1.183 and 37 CFR 1.48. In this instance, the fees required by law are \$400 and \$130. No fees were provided with the petitions.

The petitions in the above identified application were not accompanied by payment of the required fee. No consideration on the merits can be given to the petition until the required fee is received.

Further correspondence with respect to this matter should be addressed as follows:

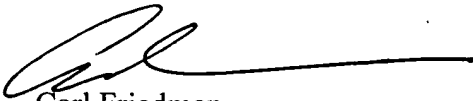
By mail: Mail Stop Petition
Director for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571)273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Mail Stop Petition
Randolph Building
401 Dulany Street

Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to Carl Friedman at (571) 272-6842.

A handwritten signature in black ink, appearing to read 'Carl Friedman', with a long horizontal line extending to the right.

Carl Friedman
Petitions Examiner
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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SPANSION LLC C/O MURABITO , HAO & BARNES LLP
TWO NORTH MARKET STREET
THRID FLOOR
SAN JOSE CA 95113

MAILED

SEP 08 2011

In re Application of	:	OFFICE OF PETITIONS
Junji Tanaka et al.	:	
Application No. 12/258,131	:	PETITION DECISION
Filed: October 24, 2008	:	
Attorney Docket No. SPSN-AF02822	:	

This is a decision on the renewed petitions under 37 CFR 1.48(a) and 37 CFR 1.47(a) filed August 26, 2011, which are being treated as a petition under 37 CFR 1.48(a) and 37 CFR 1.183 to waive the requirements of 37 CFR 1.64 and 37 CFR 1.48(a) (2).

The petitions are dismissed.

§ 1.48 Correction of inventorship in a patent application, other than a reissue application, pursuant to 35 U.S.C. 116.

(a) Nonprovisional application after oath /declaration filed. If the inventive entity is set forth in error in an executed § 1.63 oath or declaration in a nonprovisional application, and such error arose without any deceptive intention on the part of the person named as an inventor in error or on the part of the person who through error was not named as an inventor, the inventorship of the nonprovisional application may be amended to name only the actual inventor or inventors. Amendment of the inventorship requires:

- (1) A request to correct the inventorship that sets forth the desired inventorship change;
- (2) A statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;
- (3) An oath or declaration by the actual inventor or inventors as required by § 1.63 or as permitted by §§ 1.42, 1.43 or § 1.47;
- (4) The processing fee set forth in § 1.17(i); and
- (5) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter).

This petition is lacking items (2) and (3).

Petitioner requests that the inventorship of the instant application be corrected by deleting Masahiko Harayama and Masanori Onodera and by adding Kouichi Meguro and Yasuhiro Shinma. Junji Tanaka was listed originally as a co-inventor and remains a co-inventor.

The petition does not include a statement from the two inventors to be deleted, Harayama and Onodera, that the error in inventorship occurred without deceptive intention on his or her part.

The petition does not include a statement from the two inventors to be added, Meguro and Shinma, that the error in inventorship occurred without deceptive intention on his or her part.

Petitioner is alleging that the three co-inventors Tanaka, Meguro and Shinma cannot be reached. Petitions under 37 CFR 1.47 are only applicable to the initial execution of an original oath or declaration and are not applicable to supplemental oaths or declarations by the originally signing inventor. In such circumstances, the USPTO will consider a petition under 37 CFR 1.183 requesting waiver or the requirements of 37 CFR 1.64 that each of the actual inventors execute the supplemental oath or declaration.

MPEP 603 states in part:

When an inventor who executed the original declaration is refusing or cannot be found to execute a required supplemental declaration, the requirement for that inventor to sign the supplemental declaration may be suspended or waived in accordance with 37 CFR 1.183. All available joint inventor(s) must sign the supplemental declaration on behalf of themselves, if appropriate, and on behalf of the nonsigning inventor. See MPEP § 409.03(a).

MPEP 201.03(II)(A) states in part:

In those situations where an inventor to be added refuses to submit a statement supporting the addition or such party cannot be reached, waiver under 37 CFR 1.183 of the requirement for a statement from that party would be appropriate upon a showing of such refusal or inability to reach the inventor.

In discussing waiver requirements under 37 CFR 1.183, the Office is guided by proof similar to that required when an applicant is unavailable or refuses to sign. Petitioner indicates that the non-signing inventors Tanaka, Meguro and Shinma refuses to sign the replacement declaration.

MPEP 409.03(d) (II) states in part:

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted. Proof that a bona fide attempt was made to present a copy of the application papers

(specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient.

Petitioner must demonstrate with documented evidence that an inventor refuses to join in the application after having been presented with the application papers (specification, claims, drawings and oath or declaration). There is no indication herein that joint inventors Meguro and Shinma were presented with a copy of the complete application papers for this application. From the evidence of record, it only appears that petitioner attempted to send only the declaration to Meguro and Shinma. If Meguro and Shinma were not presented with a copy of the application papers for this application, then they could not attest that they have "reviewed and understand the application papers" and could not execute the declaration they were requested to sign. Did Meguro and Shinma receive a copy of the application papers? Unless petitioner can show that a copy of the application papers was presented to them, then petitioner will have to mail a copy of the complete application papers (specification, claims and drawings) to the last known address of Meguro and Shinma, return receipt requested. A cover letter of instructions should accompany the mailing of the application papers setting a deadline or a statement that no response will constitute a refusal. This sort of ultimatum lends support to a finding of refusal by conduct. It is also not clear from the petition if Meguro and Shinma were presented with the required non deceptive intent statement for their signatures.

Further, the applicable statute (35 U.S.C. § 116) requires that a "diligent effort" have been expended in attempting to find or reach the non-signing inventor. The showing currently fails to demonstrate, with a documented showing, that a diligent effort was made to find or locate non-signing inventors Meguro and Shinma. Where inability to find or locate a named inventor(s) is alleged, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made to locate the inventor.

Petitioner has not demonstrated that all efforts were expended in trying to locate inventors non-signing Meguro and Shinma. In this regard, petitioner should, at the very least, conduct a search of the regional or national registry(s) such as the Internet. The results of such search should be made in any future petition for reconsideration. See MPEP 409.03(d). Additionally, petitioner should state whether he has access to inventor Meguro and Shinma's personnel records and, if so, what does inspection of the records reveal as to a current address, forwarding address, or an address of the nearest living relative? What does inspection of the phone directories for those address locations reveal? If all other attempts to locate or reach the inventors, e.g., through personnel records, co-workers, E-mail, the Internet or the telephone, etc., continue to fail, then applicant will have established that the inventors cannot be reached after diligent effort or has refused to join in the application. The statements of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein and should be accompanied by documentary evidence in support of the statement of facts. It is important that the forthcoming communication contain statements of fact as opposed to conclusions.

The petition does not address at all what efforts were taken to obtain the required statements from the persons being deleted as an inventor, namely Masahiko Harayama and Masanori Onodera.

Since petitioner has not met the requirements of 37 CFR 1.183, a signed oath or declaration is still required but has not been provided.

For the reasons presented above, the petitions are dismissed.

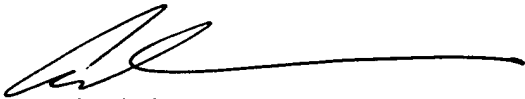
Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
 Director for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By FAX: (571)273-8300
 Attn: Office of Petitions

By hand: Customer Service Window
 Mail Stop Petition
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to Carl Friedman at (571) 272-6842.

A handwritten signature in black ink, appearing to be 'Carl Friedman', with a long horizontal flourish extending to the right.

Carl Friedman
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/258,202	10/24/2008	Pung-Ling Huang	API-12449	8551
23123 7590 06/20/2011 SCHMEISER OLSEN & WATTS 18 E UNIVERSITY DRIVE SUITE # 101 MESA, AZ 85201			EXAMINER PAGE, BRENT T	
			ART UNIT 1638	PAPER NUMBER
			MAIL DATE 06/20/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

June 17, 2011

SCHMEISER OLSEN & WATTS
18 E UNIVERSITY DRIVE
SUITE # 101
MESA AZ 85201

In re Application of :
Pung-Ling Huang et al. : **DECISION ON PETITION**
Application No.12258202 :
Filed: 10/24/2008 :
Attorney Docket No. **API-12449** :

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) October 24, 2008.

The petition is **DISMISSED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, (One (1) set for EFW filings), and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings

"The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee."

The petition did not meet the following requirement(s). 1 ☒ 2 ☐ 3 ☐

A renewed petition filed under 37 C.F.R. 1.84 (a) (2) must be filed within TWO (2) MONTHS of this decision. If a renewed petition is not filed within the TWO (2) Months of this decision the drawings will be printed in black and white.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Laura L. Feldman/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

July 8, 2011

SCHMEISER OLSEN & WATTS
18 E UNIVERSITY DRIVE
SUITE # 101
MESA AZ 85201

In re Application of	:	
Pung-Ling Huang et al.	:	DECISION ON PETITION
Application No. 12258202	:	
Filed: 10/24/2008	:	ACCEPTANCE OF COLOR
Attorney Docket No. API-12449	:	DRAWINGS

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) June 24, 2011.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Laura Feldman/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MAILED

JUN 01 2011

OFFICE OF PETITIONS

**BAKER BOTTS L.L.P.
30 ROCKEFELLER PLAZA
44TH FLOOR
NEW YORK NY 10112-4498**

In re Application of :
Jolley et al. :
Application No. 12/258,212 : **RESPONSE TO PETITION**
Filed: October 24, 2008 :
Attorney Docket No. 070483.0308 :

This is a response to the petition under 37 CFR 1.59(b), filed November 30, 2010, to expunge information from the above identified application.

The petition is dismissed.

Petitioner requests that the Amendment, filed November 30, 2010, be expunged from the above identified application. The petition submits that this information was unintentionally submitted in the above identified application.

However, the petition is premature since prosecution of the application has not been closed by way of the allowance of the application, the mailing of an Ex parte Quayle action, or the abandonment of the application. See MPEP 724.06. Accordingly, it is not appropriate to make a final determination of whether or not the material requested to be expunged is "material," with "materiality" being defined as any information which the examiner considers as being important to a determination of patentability of the claims. Thus, the decision on the petition to expunge must be dismissed at this time.

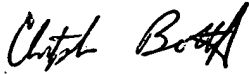
During prosecution on the merits, the examiner will determine whether or not the identified document is considered to be "material." If the information is not considered by the examiner to be material and the conditions related to the expungement of unintentionally submitted information, discussed as A-F in MPEP 724.05 II, are satisfied, the information will be removed from the official file.

After the mailing of a Notice of Allowance, an Ex parte Quayle action or a Notice of Abandonment, the petition to expunge may be renewed by applicant or applicant's representative. No further fee is required for such a second submission of a petition under 37 CFR 1.59 to expunge information. **In addition, the requester is cautioned to renew the petition under 37 CFR 1.59 for reconsideration by the Office prior to the point at which the**

present file, or file claiming priority to the present file, is forwarded for issuance of the patent. This is to be done no later than immediately after the examiner has issued a Notice of Allowance, an Ex parte Quayle action or a Notice of Abandonment. A failure to timely renew the petition to expunge prior to the point at which the file is forwarded for issuance will result in the material being retained in the patented file and thus becoming open to the public.

Also, the required fee of \$200.00 under 37 CFR 1.17(g) has been charged to the Deposit Account as authorized.

Telephone inquiries concerning this communication should be directed to the undersigned at (571) 272-6692.

A handwritten signature in black ink, appearing to read "Chris Bottorff", with a stylized flourish at the end.

Christopher Bottorff
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : **01/11/11**

TO SPE OF : ART UNIT: **1728 Attn: MAPLES JOHN S**

SUBJECT : Request for Certificate of Correction for Appl. No.: **12/258224** Patent No.: **7838149**

CofC Mailroom date: **01/05/11**

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580**

Tasneem Siddiqui
Certificates of Correction Branch
703-756-1593 or 703-756-1814

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

X--Approved

All changes apply.

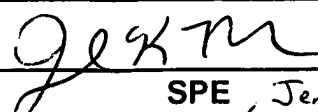
☐ **Approved in Part**

Specify below which changes do not apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____


SPE, Jennifer Michener Art Unit **1728**



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ORRICK, HERRINGTON & SUTCLIFFE, LLP
IP PROSECUTION DEPARTMENT
4 PARK PLAZA
SUITE 1600
IRVINE, CA 92614-2558

MAILED
MAR 30 2011
OFFICE OF PETITIONS

In re Application of :
Kirill Mostov :
Application No. 12/258,259 : ON PETITION
Filed: October 24, 2008 :
Attorney Docket No. 13811-4002 :

This is a decision in response to the petition, filed March 29, 2011, requesting withdrawal of the above-identified application from issue under the provisions of 37 CFR 1.313(c)(2).

The petition is **dismissed** as moot for the reasons stated below.

A review of the file record discloses that a Notice of Allowance and Fee(s) Due was mailed on February 3, 2011, with the issue fee being due on or before May 3, 2011. It is noted that the issue fee in this case has not been paid.

The filing of a petition under 37 CFR 1.313(c)(2) is unnecessary, since the mere filing of an Request for Continued Examination (RCE) and submission prior to payment of the issue fee will effectively withdraw an application from issue. In view thereof, the petition to withdraw from issue is dismissed as involving a moot issue. Note MPEP §§ 706.07(h)(IX) and 1308.

Inquiries concerning this decision may be directed to the undersigned at (571) 272-3204.

The matter is being referred to Technology Center AU 2858 for appropriate processing of the RCE filed March 29, 2011, and for consideration of the concurrently filed Information Disclosure Statement.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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AUG 31 2011

OFFICE OF PETITIONS

ORRICK, HERRINGTON & SUTCLIFFE, LLP
IP PROSECUTION DEPARTMENT
2050 MAIN STREET, SUITE 1100
IRVINE, CA 92614

In re Application of	:	
Kirill Mostov	:	
Application No.: 12/258,259	:	ON PETITION
Filed: October 24, 2008	:	
Attorney Docket No.: 13811-4002	:	

This is a decision on the petition, filed August 30, 2011, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on July 14, 2011, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2858 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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ACUITY LAW GROUP PC
12707 HIGH BLUFF DRIVE
SUITE 200
SAN DIEGO CA 92130-2037

MAILED
FEB 22 2012
OFFICE OF PETITIONS

In re Application of :
Williams, et al. :
Application No. 12/258,346 : **ON PETITION**
Filed: October 24, 2008 :
Attorney Docket No. LPT-3010-CT2 :

This is in response to the renewed petition to revive an unintentionally abandoned application under 37 CFR 1.137(b), filed December 21, 2011.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely file a proper response to the final Office action mailed April 7, 2011, which set a shortened statutory period for reply of three months. The final Office action required Terminal Disclaimers over Application Nos. 12/258,383 and 12/258,337. Applicants filed a Terminal Disclaimer over the '383 application on October 7, 2011, made timely by obtaining a three month extension of time. However, the Examiner indicated in an Advisory Action mailed on October 25, 2011 that a Terminal Disclaimer over the '337 application was still needed. As such, the application became abandoned by operation of law on October 8, 2011. The Office mailed a Notice of Abandonment on December 12, 2011.

With the instant petition, petitioner has paid the petition fee, made the proper statement of unintentional delay, and filed a Terminal Disclaimer over application No. 12/258,337 (Patent No. 8,067,549).

The application is being forwarded to Group Art Unit 1643 for consideration of the Terminal Disclaimer filed December 21, 2011.

Telephone inquiries concerning this decision may be directed to the undersigned at 571-272-3207.

A handwritten signature in cursive script, appearing to read 'Cliff Congo'.

Cliff Congo
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/258,383	10/24/2008	Roger A. SABBADINI	LPT-3010-CP	8937
7590 07/05/2011				
Acuity Law Group, P.C. 12707 High Bluff Drive Suite 200 San Diego, CA 92130-2037				
EXAMINER				
GUSSOW, ANNE				
ART UNIT		PAPER NUMBER		
1643				
NOTIFICATION DATE		DELIVERY MODE		
07/05/2011		ELECTRONIC		

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

June 30, 2011

Acuity Law Group, P.C.
12707 High Bluff Drive
Suite 200
San Diego CA 92130-2037

In re Application of	:	
Sabbadini, Roger A. et al	:	DECISION ON PETITION
Application No. 12/258,383	:	
Filed: 10/24/2008	:	ACCEPTANCE OF COLOR
Attorney Docket No. LPT-3010-CP	:	DRAWINGS

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) March 27, 2011.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Diane Terry/
Quality Control Specialist
Office of Data Management
Publications Branch

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket
Number: 81180513 (67,600-113)

Application Number
(if known): 12/258,406

Filing date: 10/25/2008

First Named
Inventor: Bala Chander

Title: Retractable Overhead Charging Cord Dispenser

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: _____

Signature /RANDYW.TUNG/

Date 03/04/2011

Name RANDY W. TUNG
(Print/Typed)

Registration Number 31,311

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below*.



*Total of forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**Instruction Sheet for
Petition to Make Special Under the Green Technology Pilot Program**
(Not to be Submitted to the USPTO)

The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at http://www.uspto.gov/patents/init_events/green_tech.jsp):

- 1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.
- 2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- 3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- 4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- 5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- 6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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TUNG & ASSOCIATES
838 WEST LONG LAKE, SUITE 120
BLOOMFIELD HILLS MI 48302

In re Application of	:	
Bala Chander	:	DECISION ON PETITION
Application No. 12/258,406	:	TO MAKE SPECIAL UNDER
Filed: October 25, 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. 81180513 (67,600-113)	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on March 08, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

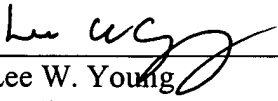
In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2858 for action in its regular turn.



Lee W. Young
Quality Assurance Specialist
Technology Center 2800



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OCEAN LAW
3463 RED BLUFF CT.
SIMI VALLEY, CA 93063

MAILED

FEB 18 2011

OFFICE OF PETITIONS

In re Application	:	
Wayne Hammerly	:	DECISION ON PETITION
Application No. 12/258,412	:	TO WITHDRAW
Filed: October 26, 2008	:	FROM RECORD
Attorney Docket No. OUT-08010	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 6, 2011.

The request is **DISMISSED**.

A review of the file record indicates that Ocean Law was never appointed power of attorney in this patent application and therefore, was only designated as the correspondence address of record. As a result, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

There is an outstanding Office action mailed November 29, 2010, that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Alicia Kelley
Petitions Examiner
Office of Petitions



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DAVID G. HENRY
PATTON BOGGS LLP
2001 ROSS AVENUE
SUITE 3000
DALLAS TX 75021

MAILED
JAN 09 2012
OFFICE OF PETITIONS

In re Application of	:	
BARRY, Mark A.	:	
Application No. 12/258,488	:	DECISION ON PETITION
Filed: October 27, 2008	:	TO WITHDRAW
Attorney Docket No. 027404.0102PTUS	:	FROM RECORD
	:	

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 11, 2011.

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a **power of attorney** to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 C.F.R. 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the change of address is not that of: (1) **the first named inventor**; or (2) **an assignee of the entire interest under C.F.R. 3.71, who has properly intervened**. 37 CFR 3.71(c) states:

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

/Michelle R. Eason/
Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **MARK A. BARRY/DAVID HENRY**
C/O DYKEMA GOSSETT PLLC
COMERICA BANK TOWER
1717 MAIN STREE, SUITE 4000
DALLAS, T X 75201



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GIBBONS PC
ONE GATEWAY CENTER
NEWARK NJ 07102

MAILED
NOV 29 2011
OFFICE OF PETITIONS

In re Application of :
Embrechts, et al. :
Application No. 12/258,490 : **ON PETITION**
Filed: October 27, 2008 :
Attorney Docket No. 098390 - 77822 :

This is a decision on the petition to revive under 37 CFR 1.137(b), filed November 4, 2011.

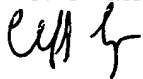
The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely file a proper reply in response to the Office action mailed December 1, 2010. This Office action set a shortened statutory period for reply of one (1) month. No reply having been received, the application became abandoned on March 2, 2011. The Office mailed a Notice of Abandonment on June 8, 2011.

With the instant petition, petitioner made the proper statement of unintentional delay, paid the petition fee, and submitted the required reply in the form of an Amendment.

The application is being forwarded to Group Art Unit 1628 for consideration of the Amendment, filed November 4, 2011.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.


Cliff Congo
Petitions Attorney
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/258,523	10/27/2008	Keiichi Imamura	08700/LH	9252
1933 7590 03/03/2011 HOLTZ, HOLTZ, GOODMAN & CHICK PC 220 Fifth Avenue 16TH Floor NEW YORK, NY 10001-7708			EXAMINER BERHAN, AHMED A	
			ART UNIT 2622	PAPER NUMBER
			MAIL DATE 03/03/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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HOLTZ, HOLTZ, GOODMAN & CHICK PC
220 Fifth Avenue
16TH Floor
NEW YORK NY 10001-7708

MAIL

MAR 03 2011

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of	:	
IMAMURA, KEIICHI et al.	:	DECISION ON REQUEST TO
Application No. 12/258,523	:	PARTICIPATE IN PATENT
Filed: October 27, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 08700/LH	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed January 05, 2011 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Michael Horabik at 571-272-3068.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Michael Horabik/

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications



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LOWE, HAUPTMAN, HAM & BERNER, LLP (ITW)
1700 DIAGONAL ROAD
SUITE 300
ALEXANDRIA VA 22314

MAILED

AUG 09 2010

In re Application of	:	OFFICE OF PETITIONS
Wu et al.	:	
Application No. 12/258,528	:	ON PETITION
Filed: October 27, 2008	:	
Attorney Docket: 713-1954 (21612)	:	

This is a decision on the petition under 37 CFR 1.182, filed, April 16, 2010, to change the name of inventor "Yu-Ren Lo" to – Yu-Jen Lo –.

The petition is **DISMISSED**.

The petition under 37 CFR 1.182 to change an inventor's name must include (1) an appropriate petition fee, (2) a statement signed by the inventor setting forth both names and (3) the procedure whereby the change of name was effected, or a copy of the court order.

Petitioner has failed to comply with item (2) above, which requires the inventor to submit a statement as set forth under MPEP section 605.04(c).

In view of the above, the petition to change the inventor's name under 37 CFR 1.182 cannot be granted at this time.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: Customer Window located at:
 U.S. Patent and Trademark Office
 Customer Service Window Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By fax: (571) 273-8300
 ATTN: Office of Petitions

Any questions concerning this matter may be directed to Alicia Kelley at (571) 272-6059.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions



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1700 DIAGONAL ROAD
SUITE 300
ALEXANDRIA VA 22314

MAILED

JUN 02 2011

OFFICE OF PETITIONS

In re Application of	:	
Wu et al.	:	
Application No. 12/258,528	:	ON PETITION
Filed: October 27, 2008	:	
Attorney Docket: 713-1954 (21612)	:	

This is a decision on the renewed petition under 37 CFR 1.182, filed, April 6, 2011, to change the name of inventor "Yu-Ren Lo" to – Yu-Jen Lo --.

The petition is **GRANTED**.

The petition under 37 CFR 1.182 to change an inventor's name must include (1) an appropriate petition fee, (2) a statement signed by the inventor setting forth both names and (3) the procedure whereby the change of name was effected, or a copy of the court order.

Office records have been updated to reflect the inventor's change of name. A corrected Filing Receipt, which reflects the inventor's change of name, accompanies this decision on petition.

Any questions concerning this matter may be directed to Alicia Kelley-Collier at (571) 272-6059. Any questions concerning the examination procedures or status of the application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2885 for further processing in the normal course of business.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/258,528	10/27/2008	2885	1090	713-1954 (21612)	8	1

CONFIRMATION NO. 9259

CORRECTED FILING RECEIPT



OC00000004/967295

33712
LOWE, HAUPTMAN, HAM & BERNER, LLP (ITW)
1700 DIAGONAL ROAD
SUITE 300
ALEXANDRIA, VA 22314

Date Mailed: 05/31/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Shi-Shan WU, Kaohsiung, TAIWAN;
Hung-Ling CHANG, Kaohsiung, TAIWAN;
Jing-Ren HU, Kaohsiung, TAIWAN;
Yu-Jen LO, Kaohsiung, TAIWAN;

Assignment For Published Patent Application

ITW ELECTRONIC BUSINESS ASIA CO. LTD., Kaohsiung, TAIWAN

Power of Attorney: The patent practitioners associated with Customer Number 22429

Domestic Priority data as claimed by applicant

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)
TAIWAN 96218757 11/07/2007

If Required, Foreign Filing License Granted: 11/06/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/258,528**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

STRUCTURE OF A FASTENER WITH ILLUMINATORS

Preliminary Class

362

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/258,542	10/27/2008	Tetsuji Makino	08574/LH	9283
1933 7590 03/18/2011 HOLTZ, HOLTZ, GOODMAN & CHICK PC 220 Fifth Avenue 16TH Floor NEW YORK, NY 10001-7708			EXAMINER BERHAN, AHMED A	
			ART UNIT 2622	PAPER NUMBER
			MAIL DATE 03/18/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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HOLTZ, HOLTZ, GOODMAN & CHICK PC
220 Fifth Avenue
16TH Floor
NEW YORK NY 10001-7708

In re Application of	:	
MAKINO, TETSUJI , et al.	:	DECISION ON REQUEST TO
Application No. 12/258,542	:	PARTICIPATE IN PATENT
Filed: October 27,2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 08574/LH	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed January 10, 2011 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Doris To at 571-272-7629.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application will be forwarded to the examiner for action on the merits commensurate with this decision.

/Doris To/

Doris To
Quality Assurance Specialist
Technology Center 2600
Communications



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SEP 23 2010

**DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600**

FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK NY 10104-3800

In re Application of	:	
ANDO, MOTOFUMI	:	DECISION ON REQUEST TO
Application No. 12/258,631	:	PARTICIPATE IN PATENT
Filed: October 27, 2008	:	PROSECUTION HIGHWAY
Attorney Docket No. 03500.165627	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed August 16, 2010.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

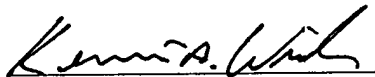
- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
- (7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

A handwritten signature in black ink, appearing to read "Kenneth A. Wieder", is written over a horizontal line.

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

OK TO ENTER: /D.K.H./

01/23/2012

PTO/SB/44 (09-07)

Approved for use through 08/31/2013. OMB 0651-0033

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

Page 1 of 1

PATENT NO. : 8,048,035

APPLICATION NO.: 12/258,754

ISSUE DATE : November 1, 2011

INVENTOR(S) : C. Michael MESA, et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

- (1) Claim 1, at column 19, line 3, the word "having" should be deleted.
- (2) Please include the corrected Terminal Disclaimer, filed concurrently herewith, in the file history of the above-identified patent.

MAILING ADDRESS OF SENDER (Please do not use customer number below):

Jones Day
222 East 41st Street
New York, NY 10017

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office

Address : COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
12/258,754	27 October 2008	MESA ET AL.	11201-1002-999

JONES DAY
222 EAST 41ST ST
NEW YORK, NY 10017

EXAMINER

DEANNA K. HALL

ART UNIT	PAPER
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3767

20120123

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Examiner has reviewed the CofC in eDan submitted 12/29/11 concluding that the two corrections are acceptable.

/KEVIN C. SIRMONS/
Supervisory Patent Examiner, Art Unit 3767

/DEANNA K HALL/
Examiner, Art Unit 3767

OK TO ENTER: /D.K.H./

01/23/2012

Electronically Filed

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:	C. Michael MESA, <i>et al.</i>	Confirmation No.:	9641
Application No.:	12/258,754	Art Unit:	3767
Filed:	October 27, 2008	Examiner:	Deanna K. HALL
For:	AUTOMATIC INJECTOR WITH NEEDLE COVER	Attorney Docket No.:	11201-1002-999
		Patent No.	8,048,035

REQUEST FOR CERTIFICATE OF CORRECTION
UNDER 37 C.F.R. § 1.323

ATTN: Certificate of Correction Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.322, the Patentees hereby respectfully request the issuance of a Certificate of Correction for U.S. Patent No. 8,048,035. The two errors to be corrected, which are also listed on the enclosed Form PTO/SB/44, are as follows:

- (1) Claim 1, at column 19, line 3, the word “having” should be deleted.
- (2) The Terminal Disclaimer, which was filed on December 6, 2010, was erroneously filed with the same application’s information (serial number and filing date), and was subsequently approved by the U.S. Patent and Trademark Office on December 9, 2010. The above-identified application, which issued as U.S. Patent No. 8,048,035 should have been disclaimed over U.S. Patent No. 7,449,012, as per the Office Action mailed August 11, 2010, the Interview Summary from December 2, 2010, and the Amendment filed concurrently with the Terminal Disclaimer on December 6, 2010. To correct this error, Patentees submit a corrected Terminal Disclaimer, which is filed concurrently

herewith. Please include this Terminal Disclaimer in the file history of U.S.
Patent No. 8,048,035.

* * *

The requested revisions are shown in PTO/SB/44 concurrently submitted herewith.
Accordingly, an expedited issuance of Certificate of Correction is respectfully requested.

Please charge the fee for providing a correction of applicant's mistake under 37
C.F.R. § 1.20(a), estimated to be \$100.00, to Jones Day Deposit Account No. 50-3013.
Should any additional fees be required, the Commissioner is authorized to charge such fees to
Jones Day Deposit Account No. 50-3013.

Date: <u>December 29, 2011</u>	Respectfully submitted, / Thomas J. Bassolino / <hr/> Thomas J. Bassolino (Reg. No. 65,946) Peter G. Thurlow (Reg. No. 47,138) JONES DAY Customer No. 20583 222 East 41st Street New York, New York 10017 (212) 326-3939
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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/258,770	10/27/2008	Motonori Kimura	Q109614	9674

7590 03/28/2011
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER

OLSEN, LIN B

ART UNIT	PAPER NUMBER
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3661

NOTIFICATION DATE	DELIVERY MODE
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03/28/2011

ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.


Patent Publication Branch
Office of Data Management

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	
Application Number	12258841	
Filing Date	27-Oct-2008	
First Named Inventor	Paul von Beck	
Art Unit	3747	
Examiner Name	THOMAS MOULIS	
Attorney Docket Number	PV-1-MV	
Title	MOTORIZED VEHICLES SPARK TIMING CONTROL FOR USE WITH BIOFUEL GASOLINE MIXTURE	
<p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.</p> <p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <ol style="list-style-type: none"> (1) Petition fee; (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications; (4) Statement that the entire delay was unintentional. 		
<p>Petition fee</p> <p>The petition fee under 37CFR 1.17(m) is attached.</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY.</p>		
<p>Issue Fee and Publication Fee :</p> <p>Issue Fee and Publication Fee must accompany ePetition.</p> <p><input checked="" type="checkbox"/> Issue Fee Transmittal is attached</p>		
<p>Drawing corrections and/ or other deficiencies.</p>		

- ☒ Drawing corrections and/ or other deficiencies are not required
- ☐ I certify, in accordance with 37 CFR 1.4.(D)(4), that drawing corrections and/ or other deficiencies have previously been filed on
- ☐ Drawing corrections and/ or other deficiencies are attached.

☒ STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors.
- ☐ A joint inventor; all of whom are signing this e-petition.
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71.

Signature	/Michael I. Kroll/
Name	Michael I. Kroll
Registration Number	26755



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : February 14, 2012

In re Application of :

Paul von Beck

Application No : 12258841

Filed : 27-Oct-2008

Attorney Docket No : PV-1-MV

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed February 14, 2012 , to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Issue Fee(s) Due. The date of abandonment is the day after the expiration date of the period set for reply in the Notice.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue Fee and the Publication Fee (if necessary); (2) the petition fee as set forth in 37 CFR 1.17 (m); (3) the drawing correction and/or other deficiencies (if necessary); and (4) the required statement of unintentional delay have been received. Accordingly, the Issue Fee payment is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Office of Data Management.

Office of Petitions

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/258,857	Filing date:	October 27, 2008
First Named Inventor:	Steven Gardner		
Title of the Invention:	Device and Method of Phototherapy for Jaundiced Infants		
THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBS/DFS_HELP.HTML			

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2009/047732

The international filing date of the corresponding PCT application(s) is/are:

June 18, 2009

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**



Is attached.



Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**



Is attached.



Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

Application No.:	12258857
First Named Inventor:	Steven Gardner

- ☒ Is attached
- ☒ Has already been filed in the above-identified U.S. application on 8/3/2009

- ☐ Are attached.
- ☒ Have already been filed in the above-identified U.S. application on 8/3/2009

[illegible]

Signature <u>/John E. Nemazi/</u>	Date <u>April 16, 2011</u>
Name (Print/Typed) <u>John E. Nemazi</u>	Registration Number <u>30876</u>

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/258,857	10/27/2008	Steven Gardner	GARD 0108 PUS	9849
22045 7590 04/20/2011 BROOKS KUSHMAN P.C. 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075				
			EXAMINER CRANDALL, LYNSEY P	
			ART UNIT 3769	PAPER NUMBER
			MAIL DATE 04/20/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BROOKS KUSHMAN P.C.
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD MI 48075

In re Application of	:	
GARDNER, STEVEN	:	DECISION ON REQUEST TO
Application No. 12/258,857	:	PARTICIPATE IN PATENT
Filed: Oct. 27, 2008	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. GARD 0108 PUS	:	PROGRAM AND PETITION
Title: DEVICE AND METHOD OF PHOTOTHERAPY	:	TO MAKE SPECIAL UNDER
FOR JAUNDICED INFANTS	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed April 18, 2011, to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the KIPO, JPO, EPO or USPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Other inquiries concerning the examination or status of the application should be directed to Henry Johnson, the SPE of Art Unit 3769 at 571-272-4768 for Class 607/90 and also accessible in the PAIR system at <http://www.uspto.gov/eac/index.html>.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

This application will be forwarded and docketed to an examiner for action on the merits commensurate with this decision.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

The petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FISH & RICHARDSON P.C. (DC)
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

MAILED

AUG 04 2011

OFFICE OF PETITIONS

In re Application of :
Erika Takahashi et al :
Application No. 12/258,866 : DECISION GRANTING PETITION
Filed: October 27, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 12732-0569001 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, August 3, 2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on July 12, 2011 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2874 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MUNCY GEISSLER OLDS & LOWE, PLLC
4000 LEGATO ROAD
SUITE 310
FAIRFAX, VA 22033

MAILED

AUG 06 2010

**OFFICE OF PETITIONS
ON PETITION**

In re Application of
Chun-Te Hao
Application No. 12/258,948
Filed: October 27, 2008
Attorney Docket No. 3126-965

This is a decision on the petition under 37 CFR 1.137(b), filed July 9, 2010, to revive the above-identified application.


The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice To File Missing Parts of Nonprovisional Application (Notice) mailed November 18, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on January 19, 2009.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to the Office of Patent Application Processing.


Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Joe McKinney Muncy
P.O. Box 1364
Fairfax, VA 22038-1364



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

J C PATENTS
4 VENTURE, SUITE 250
IRVINE CA 92618

MAILED

FEB 28 2011

OFFICE OF PETITIONS

In re Application of :
Hsi-Chou Wu :
Application No. 12/258,993 :
Filed: October 27, 2008 :
Attorney Docket No. UCIP0062 :

ON PETITION

This is a decision on the petitions under 37 CFR 1.182, filed December 8, 2008 and February 26, 2009, to change the name of the inventor.

The petition is **DISMISSED**.

A petition under 37 CFR 1.182 requires a fee of \$400. Since this fee was not paid, the petition can not be granted at this time.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Telephone inquiries related to this decision should be directed to the Kimberly Inabinet at (571) 272-4618.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MUNCY, GEISLER, OLDS & LOWE, PLLC
4000 LEGATO ROAD
SUITE 310
FAIRFAX, VA 22033

MAILED

JUN 27 2011

OFFICE OF PETITIONS

In re Application of	:	
Chao-Hsiung Cho	:	
Application No. 12/259,031	:	DECISION ON PETITION
Filed: October 27, 2008	:	
Attorney Docket No. 5545/0250PUS1	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 27, 2011, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Non-provisional Application (Notice), mailed November 12, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 13, 2009.


The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a reply, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay.

In view of the above, the petition is **GRANTED**.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must so notify the Office.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Office of Patent Application Processing at their hotline 571-272-4000.

This application is being referred to the Office of Patent Application Processing for pre-examination processing of the reply received May 27, 2011.


April M. Wise
Petitions Examiner
Office of Petitions



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SAN FRANCISCO CA 94111-3834

MAILED

DEC 22 2010

OFFICE OF PETITIONS

In re Application of	:	
Young Dong Joo	:	Decision Refusing to Accord
Application No. 12/259,040	:	Status Under 37 CFR 1.47(b) and
Filed: October 27, 2008	:	Dismissing Petition Under
Attorney Docket No. 021653-016500US	:	37 CFR 1.137(b)
For: Word Line Booster for Flash Memory	:	

This is a decision on the petition under 37 CFR 1.47(b) and the petition under 37 CFR 1.137(b) filed February 18, 2010.

The petition under 37 CFR 1.47(b) is **dismissed**.

The petition under 37 CFR 1.137(b) is **dismissed**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. No further petition fee is required for the request.

The Petition Under 37 CFR 1.47(b)

A grantable petition under 37 CFR 1.47(b) requires:

- (1) Proof that the non-signing inventor cannot be found or reached after diligent effort or that the inventor refused to sign the declaration after having been presented with the application papers (specification, claims, and drawings),
- (2) An acceptable oath or declaration;
- (3) The petition fee;
- (4) A statement of the last known address of the non-signing inventor;
- (5) Proof of proprietary interest; and
- (6) Proof of irreparable damage.

The petition lacks items (1), (2), and (5).

As to item (1), the record fails to establish the inventor has refused to sign the declaration or cannot be found or reached after diligent effort.

Petitioner does not assert the inventor has refused to sign the declaration. Therefore, the Office must determine if the record demonstrates the inventor cannot be found or reached after diligent effort.

The petition identifies a last known e-mail address, telephone number, and mailing address for the inventor. Petitioner has attempted to contact the inventor twice by e-mail. Each e-mail has been returned as undeliverable. Petitioner has attempted to contact the inventor twice by telephone. However, each attempt was unsuccessful because the last known phone number appears to have been out of service. Petitioner has failed to send any correspondence to the last known mailing address identified in the petition.

The record fails to indicate Petitioner has made any attempt to contact the inventor at the last known mailing address identified in the petition. Unless a party is aware the last known mailing address for an inventor is invalid, a diligent effort to locate an inventor requires an attempt to contact the inventor at the address. Petitioner has not stated the last known address for the inventor is no longer valid. Therefore, Petitioner's failure to attempt to contact the inventor at the last known mailing address constitutes a failure to establish diligent effort to find the inventor.

Petitioner may already know the last known mailing address provided for the employee is invalid. For example, Petitioner, a former employer of the inventor, may know the mailing address provided in the petition is no longer valid because the identified address is Petitioner's mailing address. However, even if Petitioner had such knowledge and had stated such a fact in the petition, the record would be insufficient to demonstrate diligent effort has been made to locate the effort.

Evidence establishing a party does not know a current e-mail address, telephone number, or mailing address for an inventor is not evidence demonstrating diligent effort to locate current and accurate contact information for an inventor.

In view of the prior discussion, the record is insufficient to demonstrate the inventor cannot be found or located after diligent effort.

Any request for reconsideration should demonstrate Petitioner has attempted to locate a current mailing address or telephone number using an internet search, directory assistance, or similar methods. The request should also establish Petitioner has reviewed its personnel file for the inventor in order to determine if the files reveal a possible current address, telephone number, or e-mail address for the inventor, and if it does, establish Petitioner has attempted to locate the inventor using the information.

If Petitioner is able to find a current mailing address for the inventor, Petitioner should mail a complete copy of the application papers (specification, claims, drawings, oath, etc.) to the inventor's along with a cover letter of instructions which includes a deadline or a statement that

no response will constitute a refusal. This sort of ultimatum lends support to a finding of refusal by conduct. A copy of any cover letter sent to the inventor should accompany any request for reconsideration.

As to item (2), the petition states a copy of a declaration signed by Dah-Bin Kao with the inventor's signature block left out, is being filed with the petition. However, the Office is unable to locate such a declaration in the papers filed February 18, 2002. A copy of the declaration should be filed with any request for reconsideration.

MPEP 409.03(b)(A) states,

Where an oath or declaration is signed by a registered attorney or agent on behalf of a corporation, either proof of the attorney's or agent's authority in the form of a statement signed by an appropriate corporate officer must be submitted, or the attorney or agent may simply state that he or she is authorized to sign on behalf of the corporation.

The petition does *not* state Dah-Bin Kao has the authority to sign a declaration on behalf of Petitioner. If a declaration signed by Dah-Bin Kao is filed with a request for reconsideration, Petitioner should ensure the request for reconsideration or the declaration explicitly states Dah-Bin Kao has the authority to sign the declaration on behalf of Petitioner.

As to item (5), the petition fails to establish Petitioner has sufficient proprietary interest in the subject matter to justify the filing of the application. Specifically, a bare assertion the inventor created and developed the invention while employed by Petitioner is inadequate to demonstrate a sufficient proprietary interest in the subject matter. Acceptable forms of proof of a proprietary interest include:

- (a) A copy of an employment agreement between the non-signing inventor and the Rule 47(b) applicant (company) which covers the invention,
- (b) A copy of an assignment agreement showing that the invention disclosed in the application is assigned to the Rule 47(b) applicant, or
- (c) A legal memorandum signed by an attorney familiar with the law of the jurisdiction stating that a court of competent jurisdiction would by the weight of authority in that jurisdiction award the title of the invention to the Rule 47(b) applicant.

The Petition Under 37 CFR 1.137(b)

The application was filed without an oath or declaration. The Office mailed a Notice to File Missing Parts of Nonprovisional Application on November 12, 2008. The Notice set a period for reply of two (2) months from the mail date of the Notice. Petitioner did not file a reply or a request for an extension of time. As a result, the application became abandoned on January 13, 2009.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed,
- (2) The petition fee,

- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
- (4) A terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

As to item (1), the required reply has not been filed in view of the dismissal of the petition under 37 CFR 1.47(b).

Any request for reconsideration of the dismissal of the petition under 37 CFR 1.137(b) should include a proper reply in the form of a grantable petition under 37 CFR 1.47(b) or a declaration signed by the inventor.

A grantable petition under 37 CFR 1.137(b) must be accompanied by a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Although the instant petition includes such a statement, the statement should also appear in any request for reconsideration. In other words, any request for reconsideration should include the following statement, or a similar statement: "The entire delay in filing the required reply from the due date for the reply until the filing the instant petition pursuant to 37 CFR 1.137(b) was unintentional."

Power of Attorney

The petition states a power of attorney accompanies the petitions. However, the Office is unable to locate a power of attorney in the papers filed with the petitions. Therefore, a new copy of the power of attorney should be filed.

Further correspondence with respect to this matter may be submitted as follows:

By Internet: A request for reconsideration may be filed electronically using EFS Web.¹
Document Code "PET.OP" should be used if the request is filed electronically.

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

By hand: U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

¹ General Information concerning EFS Web can be found at <http://www.uspto.gov/patents/process/file/efs/index.jsp>.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

A handwritten signature in black ink, appearing to read 'C. Brantley', with a stylized flourish at the end.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions



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APR 26 2011

OFFICE OF PETITIONS

In re Application of	:	
Young Dong Joo	:	Decision Refusing to Accord
Application No. 12/259,040	:	Status Under 37 CFR 1.47(b) and
Filed: October 27, 2008	:	Dismissing Petition Under
Attorney Docket No. 021653-016500US	:	37 CFR 1.137(b)
For: Word Line Booster for Flash Memory	:	

This is a decision on the renewed petition under 37 CFR 1.47(b) filed March 22, 2011, which is being treated in part as a renewed petition under 37 CFR 1.137(b).

The petition under 37 CFR 1.47(b) is **dismissed**.

The petition under 37 CFR 1.137(b) is **dismissed**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. No further petition fee is required for the request.

The Petition Under 37 CFR 1.47(b)

A grantable petition under 37 CFR 1.47(b) requires:

- (1) Proof that the non-signing inventor cannot be found or reached after diligent effort or that the inventor refused to sign the declaration after having been presented with the application papers (specification, claims, and drawings),
- (2) An acceptable oath or declaration;
- (3) The petition fee;
- (4) A statement of the last known address of the non-signing inventor;
- (5) Proof of proprietary interest; and
- (6) Proof of irreparable damage.

The petition lacks item (2).

The petition states a copy of a declaration signed by Dah-Bin Kao is included as Exhibit F. However, Exhibit F does not include any reference to Dah-Bin Kao or the signature of any party. Therefore, the petition under 37 CFR 1.47(b) cannot be granted. Any request for reconsideration should include a properly signed declaration and the declaration should not be provided as an exhibit to the request for reconsideration.

The Office issued a decision dismissing a prior petition under 37 CFR 1.47(b) on December 22, 2010. The decision stated,

The petition does *not* state Dah-Bin Kao has the authority to sign a declaration on behalf of Petitioner. If a declaration signed by Dah-Bin Kao is filed with a request for reconsideration, Petitioner should ensure the request for reconsideration or the declaration explicitly states Dah-Bin Kao has the authority to sign the declaration on behalf of Petitioner.

The instant request for reconsideration does not state Dah-Bin Kao has the authority to sign the declaration on behalf of Petitioner. The Office notes a power of attorney from an assignee to an attorney is not the equivalent of a statement an attorney is permitted to sign a declaration on behalf of the assignee.

If a declaration signed by Dah-Bin Kao is filed with a request for reconsideration filed in response to the instant decision, the request for reconsideration or the declaration should explicitly state Dah-Bin Kao has the authority to sign the declaration on behalf of Semiconductor Manufacturing International (Shanghai) Corporation.

The Petition Under 37 CFR 1.137(b)

The December 22, 2010 decision dismissed the prior petition under 37 CFR 1.47(b) and a prior petition under 37 CFR 1.137(b).

The instant petition appears to implicitly seek revival of the application in addition to status under 37 CFR 1.47(b). Therefore, the petition is being treated in part as a renewed petition under 37 CFR 1.137(b).

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed,
- (2) The petition fee,
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
- (4) A terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

The instant petition lacks items (1) and (3).

As to item (1), the required reply has not been filed in view of the dismissal of the petition under 37 CFR 1.47(b). Any request for reconsideration of the dismissal of the petition under 37 CFR 1.137(b) should include a proper reply in the form of a grantable petition under 37 CFR 1.47(b) or a declaration signed by the inventor.

As to item (3), the petition does not include the required statement of unintentional delay. The December 22, 2010 decision stated,

A grantable petition under 37 CFR 1.137(b) must be accompanied by a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Although the instant petition includes such a statement, the statement should also appear in any request for reconsideration.

Any request for reconsideration of the instant decision should include the following statement, or a similar statement: "The entire delay in filing the required reply from the due date for the reply until the filing the instant petition pursuant to 37 CFR 1.137(b) was unintentional."

Fees

The required petition fee for a petition under 37 CFR 1.47(b) is \$200. A review of the record indicates the Office failed to charge the \$200 petition fee to Deposit Account No. 20-1430 when processing the prior petition under 37 CFR 1.47(b). Therefore, the Office has charged the \$200 petition fee to the deposit account.

The December 22, 2010 decision stated,

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. No further petition fee is required for the request.

The instant petition was not filed within two months of the issuance of the prior decision, the instant petition does not include payment for an extension of time, and the petition does not include a general authorization to charge any necessary fees to a deposit account. However, the petition filed February 18, 2010, included a general authorization to charge any necessary fees to Deposit Account No. 20-1430. Pursuant to 37 CFR 1.136(a)(3), an authorization to charge all necessary fees to a deposit account will be treated as a constructive petition for an extension of time in any concurrent *or future* reply requiring an extension of time. Therefore, the deposit account has been charged \$130 for a one-month extension of time.

Further correspondence with respect to this matter may be submitted as follows:

By Internet: A request for reconsideration may be filed electronically using EFS Web.¹
Document Code "PET.OP" should be used if the request is filed electronically.

¹ General Information concerning EFS Web can be found at <http://www.uspto.gov/patents/process/file/efs/index.jsp>.

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

By hand: U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries regarding this communication should be directed to Petitions Attorney
Steven Brantley at (571) 272-3203.



Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions



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MAILED
JUN 28 2011
OFFICE OF PETITIONS

In re Application of	:	
Young Dong Joo	:	Decision According Status
Application No. 12/259,040	:	Under 37 CFR 1.47(b) and
Filed: October 27, 2008	:	Granting Petition Under
Attorney Docket No. 021653-016500US	:	37 CFR 1.137(b)
For: Word Line Booster for Flash Memory	:	

This is a decision on the renewed petition under 37 CFR 1.47(b) and the renewed petition under 37 CFR 1.137(b) filed June 17, 2011.

The petition under 37 CFR 1.47(b) is **granted**.

The petition under 37 CFR 1.137(b) is **granted**.

The Office issued a decision dismissing a prior petition under 37 CFR 1.47(b) and a prior petition under 37 CFR 1.137(b) on April 26, 2011.

The April 26, 2011 decision indicated the petition under 37 CFR 1.47(b) could not be granted because an acceptable oath or declaration had not been filed.

The April 26, 2011 decision indicated the petition under 37 CFR 1.137(b) could not be granted for two reasons. First, the petition did not include the required reply to the outstanding notice in view of the fact the petition under 37 CFR 1.47(b) was being dismissed. Second, the petition did not include the required statement of unintentional delay.

The instant petitions include an acceptable declaration and the required statement of unintentional delay. Therefore, the petitions under 37 CFR 1.47(b) and 37 CFR 1.137(b) are granted.

This application is hereby accorded Rule 47(b) status. As provided in Rule 47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The Office of Patent Application Processing will be informed of the instant decision and the application will be prepared for examination in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

A handwritten signature in black ink, appearing to read 'Charles Brantley', with a stylized flourish at the end.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions



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MAILED
MAY 05 2011
OFFICE OF PETITIONS

In re Application of :
David Gao, et al. :
Application No. 12/259,095 : DECISION GRANTING PETITION
Filed: October 27, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 87720-711810 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed May 4, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on April 6, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2823 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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MAILED
SEP 08 2010
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In re Application of	:
Chen, et al.	: DECISION GRANTING STATUS
Application No. 12/259,152	: UNDER 37 CFR 1.47(a) and
Filed: October 27, 2008	: DECISION UNDER 37 CFR 1.137(b)
Atty. Dkt. No.: 021653-018600US	:

This decision is in response to the renewed petition under 37 CFR 1.47(a) and the petition under 37 CFR 1.137(b), filed August 5, 2010.

DECISION UNDER 37 CFR 1.47(a)

The petition under 37 CFR 1.47(a) is GRANTED.

Petitioners have shown that the non-signing inventor either cannot be reached for presentation of the application papers or has refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

DECISION UNDER 37 CFR 1.137(b)

The application became abandoned January 13, 2009 for failure to timely submit a proper reply to the Notice mailed November 12, 2008. The Notice set a two month shortened statutory period of time for reply. No petition for extension of time was timely submitted. Notice of Abandonment was mailed July 24, 2009.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by: (1) the required reply to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in 37 C.F.R. § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee set forth in 37 C.F.R. § 1.20(d)) required pursuant to 37 C.F.R. § 1.137(c).

The instant renewed petition under 37 CFR 1.137(b) has been carefully reviewed and found in compliance with the requirements set forth above.

In view thereof, the petition under 37 CFR 1.137(b) is hereby GRANTED.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

This application is being forwarded to the Office of Patent Application Processing for further processing.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

CC: Dah-Bin Kao
Townsend and Townsend and Crew LLP
379 Lytton Ave.
Palo Alto, CA 94301-1431



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Chun Chi Chen
No. 548-2F, Lane 640
Zong Sun Road
Hsinchu
TAIWAN

MAILED
SEP 08 2010
OFFICE OF PETITIONS

In re Application of
Chen, et al.
Application No. 12/259,152
Filed: October 27, 2008
Atty. Dkt. No.: 021653-018600US

Dear Sir:

You are named as a joint inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3205. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

/ALEZIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

cc: TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
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SAN FRANCISCO CA 94111-3834



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Bib Data Sheet

CONFIRMATION NO. 1418

SERIAL NUMBER 12/259,152	FILING OR 371(c) DATE 10/27/2008 RULE 1.47	CLASS 134	GROUP ART UNIT 1792	ATTORNEY DOCKET NO. 021653-018600US
APPLICANTS Chin Yu Chen, Shanghai, CHINA; Kin Mun Choong, Shanghai, CHINA; Chun Chi Chen, Shanghai, CHINA; Wei Zhu, Shanghai, CHINA;				
** CONTINUING DATA *****				
** FOREIGN APPLICATIONS ***** CHINA 200810040279.1 07/04/2008				
IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** 11/06/2008				
Foreign Priority claimed <input type="checkbox"/> yes <input type="checkbox"/> no 35 USC 119 (a-d) conditions <input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> Met after met Allowance		STATE OR COUNTRY CHINA	SHEETS DRAWING 5	TOTAL CLAIMS 18
Verified and Acknowledged Examiner's Signature _____ Initials _____				INDEPENDENT CLAIMS 3
ADDRESS 20350				
TITLE PHOTORESIST TOOL CLEANING JIG CONFIGURED TO RECEIVE FLOW FROM TOP AND BOTTOM				
FILING FEE RECEIVED 1220	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:		<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees (Filing) <input type="checkbox"/> 1.17 Fees (Processing Ext. of time) <input type="checkbox"/> 1.18 Fees (Issue) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit	



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OFFICE OF PETITIONS

In re Application of	:
Chen, et al.	: DECISION GRANTING STATUS
Application No. 12/259,152	: UNDER 37 CFR 1.47(a) and
Filed: October 27, 2008	: DECISION UNDER 37 CFR 1.137(b)
Atty. Dkt. No.: 021653-018600US	:

This decision is in response to the renewed petition under 37 CFR 1.47(a) and the petition under 37 CFR 1.137(b), filed August 5, 2010.

DECISION UNDER 37 CFR 1.47(a)

The petition under 37 CFR 1.47(a) is **GRANTED**.

Petitioners have shown that the non-signing inventor either cannot be reached for presentation of the application papers or has refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to the Office of Patent Application Processing for pre-examination processing.

DECISION UNDER 37 CFR 1.137(b)

The application became abandoned January 13, 2009 for failure to timely submit a proper reply to the Notice mailed November 12, 2008. The Notice set a two month shortened statutory period of time for reply. No petition for extension of time was timely submitted. Notice of Abandonment was mailed July 24, 2009.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by: (1) the required reply to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in 37 C.F.R. § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b)

was unintentional; and (4) any terminal disclaimer (and fee set forth in 37 C.F.R. § 1.20(d)) required pursuant to 37 C.F.R. § 1.137(c).

The instant petition has been carefully reviewed and found in compliance with the requirements set forth above.

In view thereof, the petition to revive under 37 CFR 1.137(b) is hereby **GRANTED**

This application is being forwarded to the Office of Patent Application Processing for further processing.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions



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ALEXANDRIA, VA 22313-1450
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Chun Chi Chen
No. 548-2F, Lane 640
Zong Sun Road
Hsinchu
Taiwan

In re Application of
Chen, et al.
Application No. 12/259,152
Filed: October 27, 2008
Atty. Dkt. No.: 021653-018600US

MAILED

SEP 08 2010

OFFICE OF PETITIONS

Dear Sir:

You are named as a joint inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3205. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

cc: TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834



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United States Patent and Trademark Office
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Bib Data Sheet

CONFIRMATION NO. 1418

SERIAL NUMBER 12/259,152	FILING OR 371(c) DATE 10/27/2008 RULE 1.47	CLASS 134	GROUP ART UNIT 1792	ATTORNEY DOCKET NO. 021653-018600US
APPLICANTS Chin Yu Chen, Shanghai, CHINA; Kin Mun Choong, Shanghai, CHINA; Chun Chi Chen, Shanghai, CHINA; Wei Zhu, Shanghai, CHINA;				
** CONTINUING DATA *****				
** FOREIGN APPLICATIONS ***** CHINA 200810040279.1 07/04/2008				
IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** 11/06/2008				
Foreign Priority claimed <input type="checkbox"/> yes <input type="checkbox"/> no 35 USC 119 (a-d) conditions <input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> Met after met Allowance Verified and Acknowledged Examiner's Signature _____ Initials _____		STATE OR COUNTRY CHINA	SHEETS DRAWING 5	TOTAL CLAIMS 18
INDEPENDENT CLAIMS 3				
ADDRESS 20350				
TITLE PHOTORESIST TOOL CLEANING JIG CONFIGURED TO RECEIVE FLOW FROM TOP AND BOTTOM				
FILING FEE RECEIVED 1220	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:		<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees (Filing) <input type="checkbox"/> 1.17 Fees (Processing Ext. of time) <input type="checkbox"/> 1.18 Fees (Issue) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit	



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500 WEST MADISON STREET
SUITE 3400
CHICAGO IL 60661

MAILED

MAR 01 2011

OFFICE OF PETITIONS

In re Application of :
Tackin, et al. : DECISION ON APPLICATION
Application No. 12/259,240 : FOR
Filed: October 27, 2008 : PATENT TERM ADJUSTMENT
Atty Docket No. 17449US04

This is a decision on the "APPLICATION FOR RECONSIDERATION OF THE DETERMINATION OF PATENT TERM ADJUSTMENT UNDER 35 U.S.C. 154(b) ACCOMPANYING THE NOTICE OF ALLOWANCE" filed January 11, 2011, which is properly treated under 37 CFR 1.704(b). Applicants request that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from sixty-six (66) days to one hundred (100) days.

The application for patent term adjustment is GRANTED.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is **one hundred (100) days**. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On October 19, 2010, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date is sixty-six (66) days. On January 11, 2011, applicants timely submitted the instant application for patent term adjustment.

Applicants dispute the reduction of thirty-four (34) days for filing of the terminal disclaimer on August 15, 2010, after a reply had been filed. See 37 C.F.R. § 1.704(c)(8)². Applicants

² 37 CFR § 1.704(c)(8) states:

contend that no terminal disclaimer was filed on August 15, 2010.

Applicants' contention is well taken. A review of the application file history does not reveal a terminal disclaimer filed August 15, 2010. A non-final Office action was mailed April 9, 2010, to which a response was filed on July 12, 2010. The record does not reveal that a supplemental paper warranting a reduction to the patent term under 37 CFR 1.704(c)(8) was filed in the ensuing period until the mailing of a final rejection on August 31, 2010. Accordingly, the reduction of 34 days is not warranted and is being removed.

In view thereof, the correct patent term adjustment at the time of the mailing of the notice of allowance is **one hundred (100) days** (103 days of Office delay - 3 days of applicant delay = 100 days).

Submission of the \$200.00 fee set forth in 37 C.F.R. § 1.18(e) is acknowledged. No additional fee is required.

Applicants are reminded that any delays by the Office pursuant to 37 CFR 1.702(a)(4) and 1.702(b) and any applicant delays under 37 CFR 1.704(c)(10) will be calculated at the time of the issuance of the patent and applicants will be notified of the revised patent term adjustment to be indicated on the patent in the Issue Notification letter that is mailed to applicants approximately three weeks prior to issuance.

Submission of a supplemental reply or other paper, other than a supplemental reply or other paper expressly requested by the examiner, after a reply has been filed, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date the initial reply was filed and ending on the date that the supplemental reply or other such paper was filed[.]

Telephone inquiries regarding this matter should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Enclosure: . Copy of REVISED PALM screen



PTA/PTE Information Patent Term Adjustment Patent Term Extension

Application Number*: 12259240 [Search](#) [Explanation of PTA Calculation](#) [Explanation of PTE Calculation](#)

PTA Calculations for Application: 12259240

Application Filing Date	10/27/2008	Overlapping Days Between (A and B) or (A and C)	0
Issue Date of Patent		Non-Overlapping USPTO Delays:	103
A Delays	103	PTO Manual Adjustment	34
B Delays	0	Applicant Delay (APPL)	37
C Delays	0	Total PTA (days)	100

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
68	02/28/2011		P028	Adjustment of PTA Calculation by PTO	34		0
50	10/19/2010		MN/=.	Mail Notice of Allowance			0
49	10/18/2010		IREV	Issue Revision Completed			0
48	10/18/2010		DVER	Document Verification			0
47	10/18/2010		N/=.	Notice of Allowance Data Verification Completed			0
46	10/18/2010		DOCK	Case Docketed to Examiner in GAU			0
45	10/12/2010		CNTA	Allowability Notice			0
42	10/08/2010		P574	Paralegal TD Accepted			0
40	10/07/2010		FWDX	Date Forwarded to Examiner			0
41	10/05/2010	10/05/2010	DIST	Terminal Disclaimer Filed			39
39	10/05/2010		A.NE	Amendment after Final Rejection			0
38	09/24/2010		PA..	Change in Power of Attorney (May Include Associate POA)			0
37	08/31/2010		MCTFR	Mail Final Rejection (PTOL - 326)			0
36	08/30/2010		CTFR	Final Rejection			0
33	08/18/2010		P575	Paralegal TD Not accepted			0
32	08/15/2010	07/12/2010	DIST	Terminal Disclaimer Filed		34	29
30	07/14/2010		FWDX	Date Forwarded to Examiner			0
31	07/12/2010		C602	Oath or Declaration Filed (Including Supplemental)			0
29	07/12/2010	07/09/2010	A...	Response after Non-Final Action		3	27
28	07/12/2010		XT/G	Request for Extension of Time - Granted			0
27	04/09/2010	12/27/2009	MCTNF	Mail Non-Final Rejection	103		-1
26	04/09/2010		CTNF	Non-Final Rejection			0
20	04/01/2010		DOCK	Case Docketed to Examiner in GAU			0
19	02/08/2010		DOCK	Case Docketed to Examiner in GAU			0
18	10/06/2009		DOCK	Case Docketed to Examiner in GAU			0
17	09/13/2009		DOCK	Case Docketed to Examiner in GAU			0
16	08/27/2009		TI1050	Transfer Inquiry to GAU			0
15	02/26/2009		PG-ISSUE	PG-Pub Issue Notification			0
14	02/13/2009		TSSCOMP	IFW TSS Processing by Tech Center Complete			0
10	12/09/2008		OIPE	Application Dispatched from OIPE			0
9	11/20/2008		PA..	Change in Power of Attorney (May Include Associate POA)			0
8	11/20/2008		PGPC	Sent to Classification Contractor			0
7	11/20/2008		FLRCPT.O	Filing Receipt			0
6	10/31/2008		L128	Cleared by L&R (LARS)			0
5	10/31/2008		L198	Referred to Level 2 (LARS) by OIPE CSR			0
25	10/28/2008		IDSC	Information Disclosure Statement considered			0
24	10/28/2008		IDSC	Information Disclosure Statement considered			0
13	10/28/2008		EIDS.	Electronic Information Disclosure Statement			0
12	10/28/2008		EIDS.	Electronic Information Disclosure Statement			0
4	10/28/2008		WIDS	Information Disclosure Statement (IDS) Filed			0
3	10/28/2008		WIDS	Information Disclosure Statement (IDS) Filed			0
2	10/28/2008		SCAN	IFW Scan & PACR Auto Security Review			0
11	10/27/2008		A.PE	Preliminary Amendment			0
1	10/27/2008		IEXX	Initial Exam Team nn			0

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MAILED
JUL 15 2011
OFFICE OF PETITIONS

In re Application of :
James Wang et al. :
Application No. 12/259,254 : **DECISION ON PETITION**
Filed: October 27, 2008 :
Attorney Docket No. 26295-14655 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 28, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to properly reply in a timely manner to the final Office action mailed, December 13, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 14, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a RCE (Request for Continued Examination, with the required fee of \$810, (2) the petition fee of \$1,620, and (3) a proper statement of unintentional delay. Accordingly, the RCE is accepted as being unintentionally delayed.

The petition fee of \$1,620 and the RCE fee of \$810 will be charged to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 2452 for appropriate action by the Examiner in the normal course of business on the reply received June 28, 2011.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



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Venture Pacific Law, PC
5201 Great America Parkway, Suite 270
Santa Clara CA 95054

MAILED

NOV 17 2011

OFFICE OF PETITIONS

In re Application of :
Yip et al. :
Application No. 12/259265 :
Filing or 371(c) Date: 10/27/2008 : **ON PETITION**
Attorney Docket Number: :
Amlogic-05 :

This is a decision on the Petition Under 37 CFR 1.137(b), filed October 20, 2011, to revive the above-identified application.

The petition is granted.

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed April 1, 2011. The Office action set a three (3) month period for reply from the mail date of the Office action. Extensions of time were available under 37 CFR 1.136(a). No complete and proper reply having been received, the application became abandoned on July 2, 2011.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an Amendment is filed with the present petition; (2) the petition fee; and (3) the required statement of unintentional delay. Accordingly, the reply is accepted as having been unintentionally delayed.

This application is being referred to Technology Center Art Unit 2164 for processing of the Amendment filed with the petition in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions



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MICHAEL A DESANCTIS
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225 UNION BOULEVARD, SUITE 150
LAKEWOOD CO 80228

MAILED

JUL 13 2011

OFFICE OF PETITIONS

In re Application of
Abraham R. Matthews
Application No. 12/259,296
Filed: July 6, 2006
Attorney Docket No. **FORT-000110**

:
:
: DECISION ON PETITION
:
:

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 27, 2011, to revive the above-identified application.

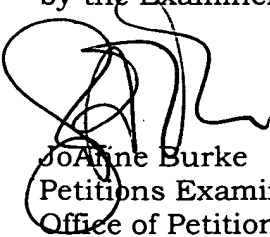
The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed March 9, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on June 10, 2010.

The petition is hereby **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1,620, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

This application is being referred to Technology Center AU 2443 for appropriate action by the Examiner in the normal course of business.


JoAnne Burke
Petitions Examiner
Office of Petitions



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OBLON, SPIVAK, MCCLELLAND
MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

MAILED

SEP 22 2010

OFFICE OF PETITIONS

In re Patent No. 7,704,960 :
Issue Date: April 27, 2010 :
Application No. 12/259,335 :
Filed: October 28, 2008 :
Attorney Docket No. 329848US0CONT :

DECISION ON PETITION

This is a decision on the Petition For Certificate Of Correction Under 37 CFR § 1.183, filed August 4, 2010, which is being treated as a Petition Under 37 CFR 3.81(b) to correct assignee's name. A completed Certificate of Correction Form was submitted with the petition.

The petition under 37 CFR §3.81(b) is **GRANTED**.

Petitioner requests that the present Petition was submitted to correct the assignee's name on the previously submitted PTOL-85B and such error was inadvertent. Accordingly, petitioner requests that a Certificate of Correction (PTO/SB/44) be issued to correct assignee's name to the Title Page of the Letters Patent.

37 CFR 3.81(b), effective June 25, 2004, reads:

After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

U.S. Patent No. 7,704,960
Application No. 12/259,335
Decision on Petition under 37 CFR 3.81


Page 2

The requisite \$100.00 fee (Fee Code 1811), as set forth under 37 CFR 1.20(a), and the requisite \$130.00 processing fee (Fee Code 1464), as set forth under 37 CFR 1.17(i), have been submitted. Further, Office assignment records are consistent with the requested correction. Accordingly, since the Petition complies with the provisions of 37 CFR 3.81(b), it is appropriate for the Office to issue a Certificate of Correction in accordance with the content of the Form submitted with Petition.

Inquiries related this communication should be directed to the undersigned at (571)272-3213.

Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

This matter is being referred to the Certificates of Correction Branch for processing of a Certificate of Correction in U.S. Patent No. 7,704,960.


Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/259,370	10/28/2008	Hidekazu WATANABE	MNL-2018-2156	1864
23117 7590 11/15/2011 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203				
EXAMINER YABUT, DANIEL D				
ART UNIT 3656		PAPER NUMBER		
MAIL DATE 11/15/2011		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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NOV 15 2011

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

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In re application of
Watanabe et al
Application No. 12/259,370
Filed: October 28, 2008
For: ACCELERATOR PEDAL MODULE

: **DECISION ON REQUEST TO**
: **PARTICIPATE IN PATENT**
: **PROSECUTION HIGHWAY**
: **PROGRAM AND PETITION**
: **TO MAKE SPECIAL UNDER**
: **37 CFR 1.102(a)**

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed July 29, 2011 to make the above-identified application special.

The request and petition are **DISMISSED as MOOT**.

A grantable request to participate in the PPH pilot program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO, application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest Office action from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO Office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH pilot is not grantable as per item (4) above in that Examination of the U.S. application has already begun. A Non-Final Rejection was mailed on August 13, 2011.

No time period for reply to this decision is available since an Office action on the merits has already been mailed.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

/ Mikado Buiz /

Mikado Buiz,
Quality Assurance Specialist
Technology Center 3600

MB/MB: 11/15/11



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DR. BANGER SHIA
PATENT OFFICE OF BANG SHIA
102 LINDENCREST CT
SUGAR LAND, TX 77479-5201

MAILED
SEP 29 2011
OFFICE OF PETITIONS

In re Application of :
J.J. Chong :
Application No. 12/259,388 :
Filed: October 28, 2008 :
Attorney Docket No.: SW-971555 (S-157) :
ON PETITION

This is a decision on the petition, filed September 23, 2011, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Restriction Requirement mailed April 9, 2010, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on May 10, 2010. A Notice of Abandonment was subsequently mailed on October 19, 2010. On September 23, 2011, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the response in the form of an election of the invention to be examined; (2) the petition fee of \$810; and (3) an adequate statement of unintentional delay.

The application is being referred to Technology Center AU 3636 for consideration of the response filed September 23, 2011.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries regarding this application should be directed to the Technology Center.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions



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Decision Date : January 18, 2012

In re Application of :

Shankar Somasundaram

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12259409

Filed : 28-Oct-2008

Attorney Docket No :

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed January 18, 2012 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 2617 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)	
Application Number	12259409	
Filing Date	28-Oct-2008	
First Named Inventor	Shankar Somasundaram	
Art Unit	2617	
Examiner Name	AJIT PATEL	
Attorney Docket Number		
Title	SYSTEM INFORMATION UPDATES IN LTE	
<p>An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.</p> <p>APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).</p> <p>A grantable petition requires the following items:</p> <p>(1) Petition fee; and</p> <p>(2) One of the following reasons:</p> <p>(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;</p> <p>(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or</p> <p>(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).</p>		
<p>Petition Fee</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY</p>		
Reason for withdrawal from issue		

- ☐ One or more claims are unpatentable
- ☒ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- ☐ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that:
- ☐ The RCE request, submission, and fee have already been filed in the above-identified application on
- ☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- ☐ A joint inventor; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Michael A. Koptiw/
Name	Michael A. Koptiw
Registration Number	57900



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/259,497	10/28/2008	Joseph Chappell	33322.00208.US12/208B	1096
13565 7590 10/31/2011 McKenna Long & Aldridge LLP 4435 Eastgate Mall Suite 400 San Diego, CA 92121			EXAMINER KALLIS, RUSSELL	
			ART UNIT 1638	PAPER NUMBER
			MAIL DATE 10/31/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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McKenna Long & Aldridge LLP
4435 Eastgate Mall
Suite 400
San Diego CA 92121

In re Application of:
Chappell et al.
Serial No.: 12/259,497
Filed: October 28, 2008
Attorney Docket No:
33322.00208.US12/208B

:
:
: PETITION DECISION
:
:

This is in response to the petition filed on July 19, 2011 under 37 CFR 1.181 to correct the misclassification of submitted Information Disclosure Statements. Specifically, applicants request correction of the classification in PAIR of the Information Disclosure Statements submitted on January 21, 2009 and February 28, 2011 in connection with the above-referenced application and consideration by the Examiner of the documents and information contained therein.

Applicants argue the "Information Disclosure Statements were submitted in connection with the above-captioned application on January 21, 2009 and February 28, 2011. Each Information Disclosure Statement was prepared in accordance with 37 C.F.R 1.97 and 1.98. As required under 37 C.F.R 1.98, each Information Disclosure Statement contained 1) a list of all patents, publications, applications, or other information submitted for consideration by the Office, including a column that provides a space next to each document to be considered, for the examiner's initials and a heading that clearly indicates that the list is an Information Disclosure Statement; and 2) legible copies of all items listed. The items either were in English or a translation was provided. A copy of the misclassified Information Disclosure Statements filed on January 21, 2009 and February 28, 2011 is attached.

The submitted Information Disclosure Statement included a tabular Form PTO-1449, which was classified as an "IDS," and a written disclosure of information. In each instance, the written disclosure of information was misclassified in PAIR as a "Transmittal Letter" (January 21, 2009, "Transmittal Letter" of 2 pages and February 28, 2011, "Transmittal Letter" of 2 pages). Consequently, the information contained therein may not be considered or reviewed by the Examiner."

Applicants' argument has been accorded careful consideration and is persuasive. PAIR will be corrected to reflect the misclassification of the submitted Information Disclosure Statements of January 21, 2009 and February 28, 2011.

DECISION

The petition is **GRANTED**.

The examiner is instructed to consider the IDS of January 21, 2009 and February 28, 2011 which was misclassified in PAIR as a "Transmittal Letter" (January 21, 2009, "Transmittal Letter" of 2 pages and February 28, 2011, "Transmittal Letter" of 2 pages).

Should there be any questions about this decision please contact Marianne C. Seidel, by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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McKenna Long & Aldridge LLP
4435 Eastgate Mall
Suite 400
San Diego CA 92121

MAILED

MAR 12 2012

OFFICE OF PETITIONS

In re Application of :
Chappell et al. : DECISION ON APPLICATION
Application No. 12/259,497 : FOR
Filed: October 28, 2008 : PATENT TERM ADJUSTMENT
Attorney Docket No. 33322.00208 :
.US12/208B :
Title: NOVEL SESQUITERPENE :
SYNTHASE GENE AND PROTEIN :

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)," filed February 14, 2012. Applicants request that the patent term adjustment indicated on the Notice of Allowance and Issue Fee Due be corrected from two (2) days to three hundred and sixty-five (365) days.

The request for reconsideration of the patent term adjustment is **GRANTED**.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is three hundred and sixty-five **(365)** days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

Applicants state that any patent issuing from the application is not subject to a terminal disclaimer.¹

The Office agrees the reduction of 363 days pursuant to 37 C.F.R. § 1.704(b) is not warranted.

¹ Petition, page 4.

In view thereof, the correct patent term adjustment at the time of the mailing of the notice of allowance is three hundred and sixty-five (365) days (365 days of Office delay minus zero days of Applicant delay).

Submission of the \$200.00 fee set forth in 37 CFR 1.18(e) is acknowledged. No additional fee is required.

Applicants are reminded that any delays by the Office pursuant to 37 CFR 1.702(a)(4) and 1.702(b) and any applicant delays under 37 CFR 1.704(c)(10) will be calculated at the time of the issuance of the patent and applicants will be notified of the revised patent term adjustment to be indicated on the patent in the Issue Notification letter that is mailed to applicants approximately three weeks prior to issuance.

The Office of Data Management has been advised of this decision. This matter is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries regarding this matter should be directed to Senior Attorney Paul Shanowski at (571) 272-3225.



Paul Shanowski
Senior Attorney
Office of Petitions

Enclosure: Copy of updated PAIR screen



Patent Term Adjustments



PTA/PTE Information Patent Term Adjustment Patent Term Extension

Application Number*: 12259497

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[Explanation of PTA Calculation](#)

[Explanation of PTE Calculation](#)

PTA Calculations for Application: 12259497

Application Filing Date	10/28/2008	OverLapping Days Between (A and B) or (A and C)	0
Issue Date of Patent		Non-Overlapping USPTO Delays:	365
A Delays	365	PTO Manual Adjustment	363
B Delays	0	Applicant Delay (APPL)	363
C Delays	0	Total PTA (days)	365

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
94	03/11/2012		P028	Adjustment of PTA Calculation by PTO	363		0
83	12/02/2011		MN/=.	Mail Notice of Allowance			0
82	12/02/2011		OAR	Office Action Review			0
81	12/02/2011		OAR	Office Action Review			0
80	11/30/2011		OAR	Office Action Review			0
79	11/30/2011		OAR	Office Action Review			0
78	11/28/2011		OAR	Office Action Review			0
77	11/28/2011		OAR	Office Action Review			0
76	11/28/2011		IREV	Issue Revision Completed			0
75	11/28/2011		DVER	Document Verification			0
74	11/28/2011		N/=.	Notice of Allowance Data Verification Completed			0
73	11/28/2011		DOCK	Case Docketed to Examiner in GAU			0
72	11/21/2011		EX.A	Examiner's Amendment Communication			0
71	11/21/2011		CNTA	Allowability Notice			0
66	11/01/2011		MPTGR	Mail-Petition Decision - Granted			0
65	10/31/2011		PTGR	Petition Decision - Granted			0
59	08/25/2011		FWDX	Date Forwarded to Examiner			0
58	08/12/2011		A...	Response after Non-Final Action			0
70	07/19/2011		IDSC	Information Disclosure Statement considered			0
69	07/19/2011		IDSC	Information Disclosure Statement considered			0
64	07/19/2011		PET.	Petition Entered			0
57	07/19/2011		RCAP	Reference capture on IDS			0
56	07/19/2011		M844	Information Disclosure Statement (IDS) Filed			0
52	07/19/2011		WIDS	Information Disclosure Statement (IDS) Filed			0
51	07/19/2011		WIDS	Information Disclosure Statement (IDS) Filed			0
50	07/15/2011		PA..	Change in Power of Attorney (May Include Associate POA)			0
49	07/12/2011		C.AD	Correspondence Address Change			0
48	05/12/2011		MCTNF	Mail Non-Final Rejection			0
47	05/09/2011		OAR	Office Action Review			0
46	05/06/2011		CTNF	Non-Final Rejection			0
41	03/07/2011		FWDX	Date Forwarded to Examiner			0
68	02/28/2011		IDSC	Information Disclosure Statement considered			0
55	02/28/2011		WIDS	Information Disclosure Statement (IDS) Filed			0
45	02/28/2011		IDSC	Information Disclosure Statement considered			0
40	02/28/2011		ELC.	Response to Election / Restriction Filed			0
39	02/28/2011		XT/G	Request for Extension of Time - Granted			0
38	02/28/2011		RCAP	Reference capture on IDS			0
37	02/28/2011		EIDS.	Electronic Information Disclosure Statement			0
36	02/28/2011		WIDS	Information Disclosure Statement (IDS) Filed			0
35	01/24/2011		PA..	Change in Power of Attorney (May Include Associate POA)			0
34	01/20/2011		C.AD	Correspondence Address Change			0
33	12/28/2010	12/28/2009	MCTRS	Mail Restriction Requirement	365		0.5
32	12/28/2010		CTRS	Restriction/Election Requirement			0
31	08/26/2010		PG-ISSUE	PG-Pub Issue Notification			0
30	06/11/2010		FLRCPT.C	Filing Receipt - Corrected			0
29	06/02/2010		DOCK	Case Docketed to Examiner in GAU			0
28	05/17/2010		COMP	Application Is Now Complete			0
27	05/17/2010		OIPE	Application Dispatched from OIPE			0
26	05/17/2010		FLRCPT.U	Filing Receipt - Updated			0
22	03/31/2010		CRFE	CRF Is Good Technically / Entered into Database			0
25	02/19/2010	02/21/2009	ADDFLFE	Additional Application Filing Fees		363	7
24	02/19/2010		CRFL	CRF Disk Has Been Received by Preexam / Group / PCT			0
23	02/19/2010		CORRDRW	Applicant has submitted new drawings to correct Corrected Papers problems			0
21	12/23/2009		CPAP	Corrected Paper			0
20	12/23/2009		MPEN	Mail Pre-Exam Notice			0
19	12/23/2009		FLRCPT.O	Filing Receipt			0
18	01/28/2009		FLFEE	Payment of additional filing fee/Preexam			0
15	01/28/2009		SEQLIST	A set of symbols and procedures, provided to the PTO on a set of computer listings, that describe in			0
14	01/28/2009		CRFL	CRF Disk Has Been Received by Preexam / Group / PCT			0
13	01/28/2009		OATHDECL	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applic			0
12	01/28/2009		CORRDRW	Applicant has submitted new drawings to correct Corrected Papers problems			0
10	01/28/2009		APPERMS	Applicants have given acceptable permission for participating foreign			0
67	01/21/2009		IDSC	Information Disclosure Statement considered			0

54	01/21/2009	WIDS	Information Disclosure Statement (IDS) Filed	0
44	01/21/2009	IDSC	Information Disclosure Statement considered	0
8	01/21/2009	WIDS	Information Disclosure Statement (IDS) Filed	0
17	11/21/2008	W/OA	Pre-Exam Office Action Withdrawn	0
7	11/21/2008	INCD	Notice Mailed--Application Incomplete--Filing Date Assigned	0
4	11/03/2008	L128	Cleared by L&R (LARS)	0
3	10/31/2008	L198	Referred to Level 2 (LARS) by OIPE CSR	0
2	10/28/2008	SCAN	IFW Scan & PACR Auto Security Review	0
1	10/28/2008	IEXX	Initial Exam Team nn	0
0.5	10/28/2008	EFILE	Filing date	0

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Decision Date : September 30, 2011

In re Application of :

Steve Herbst

Application No : 12259500

Filed : 28-Oct-2008

Attorney Docket No : H0003-1001

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed September 30, 2011

The request is **APPROVED**.

The request was signed by Robert Plotkin (registration no. 43861) on behalf of all attorneys/agents associated with Customer Number 24208 . All attorneys/agents associated with Customer Number 24208 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name Steve Herbst
Name2
Address 1 605 School Street
Address 2
City Carlisle
State MA
Postal Code 01741
Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	12259500	
Filing Date	28-Oct-2008	
First Named Inventor	Steve Herbst	
Art Unit	2176	
Examiner Name	ARIEL MERCADO	
Attorney Docket Number	H0003-1001	
Title	Software Tool for Creating Outlines and Mind Maps that Generates Subtopics Automatically	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 24208		
The reason(s) for this request are those described in 37 CFR: 10.40(c)(5)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Steve Herbst	
Address	605 School Street	
City	Carlisle	
State	MA	
Postal Code	01741	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/Robert Plotkin, Reg#43861/
Name	Robert Plotkin
Registration Number	43861



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PETERS VERNY, L.L.P.
425 SHERMAN AVENUE
SUITE 230
PALO ALTO CA 94306

MAILED

DEC 01 2011

OFFICE OF PETITIONS

In re Application of	:	
Lincoln Evans-Beauchamp	:	DECISION ON PETITION
Application No. 12/259,592	:	TO WITHDRAW
Filed: October 28, 2008	:	FROM RECORD
Attorney Docket No. 5449.02 (RDH)	:	

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36(b), filed November 17, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40.

The request was signed by Steven M. Colby on behalf of all attorneys of record who are associated with Customer Number 23308.

All attorneys/agents associated with Customer Number 23308 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and all future correspondence will be directed to the first named inventor Lincoln Evans-Beauchamp at the address indicated below.

There is an outstanding Office action mailed September 20, 2011, that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Lincoln Evans-Beauchamp
116 Colorado Avenue
Palo Alto, CA 94301



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/259,592	10/28/2008	Lincoln Evans-Beauchamp	5449.02 (RDH)

23308
PETERS VERNY, L.L.P.
425 SHERMAN AVENUE
SUITE 230
PALO ALTO, CA 94306

CONFIRMATION NO. 1257
POWER OF ATTORNEY NOTICE



Date Mailed: 11/30/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/17/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/jlburke/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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NEC LABORATORIES AMERICA, INC.
4 INDEPENDENCE WAY
Suite 200
PRINCETON NJ 08540

MAILED
JUL 14 2011
OFFICE OF PETITIONS

In re Application of	:	
Guofei Jiang et al.	:	
Application No. 12/259,623	:	DECISION ON PETITION
Filed: October 28, 2008	:	
Attorney Docket No. 08017 (449-54)	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 28, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to properly reply in a timely manner to the final Office action mailed, October 6, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 7, 2011. A Notice of Abandonment was mailed on April 15, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1,620, and (3) a proper statement of unintentional delay. Accordingly, the amendment is accepted as being unintentionally delayed.

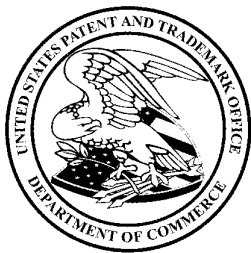
An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$1,110 extension of time fee submitted with the petition on June 28, 2011 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 2467 for appropriate action by the Examiner in the normal course of business on the reply received June 28, 2011.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Decision Date : December 12, 2011

In re Application of :

Guofei Jiang

Application No : 12259623

Filed : 28-Oct-2008

Attorney Docket No : 08017 (449-54)

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed December 12, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Issue Fee(s) Due. The date of abandonment is the day after the expiration date of the period set for reply in the Notice.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue Fee and the Publication Fee (if necessary); (2) the petition fee as set forth in 37 CFR 1.17 (m); (3) the drawing correction and/or other deficiencies (if necessary); and (4) the required statement of unintentional delay have been received. Accordingly, the Issue Fee payment is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Office of Data Management.

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	
Application Number	12259623	
Filing Date	28-Oct-2008	
First Named Inventor	Guofei Jiang	
Art Unit	2467	
Examiner Name	PRENELL JONES	
Attorney Docket Number	08017 (449-54)	
Title	RANKING THE IMPORTANCE OF ALERTS FOR PROBLEM DETERMINATION IN LARGE SYSTEMS	
<p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.</p> <p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <ol style="list-style-type: none"> (1) Petition fee; (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications; (4) Statement that the entire delay was unintentional. 		
<p>Petition fee</p> <p>The petition fee under 37CFR 1.17(m) is attached.</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY.</p>		
<p>Issue Fee and Publication Fee :</p> <p>Issue Fee and Publication Fee must accompany ePetition.</p> <p><input checked="" type="checkbox"/> Issue Fee Transmittal is attached</p>		
<p>Drawing corrections and/ or other deficiencies.</p>		

- ☒ Drawing corrections and/ or other deficiencies are not required
- ☐ I certify, in accordance with 37 CFR 1.4.(D)(4), that drawing corrections and/ or other deficiencies have previously been filed on
- ☐ Drawing corrections and/ or other deficiencies are attached.

☒ STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors.
- ☐ A joint inventor; all of whom are signing this e-petition.
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71.

Signature	/Joseph Kolodka/
Name	Joseph Kolodka
Registration Number	39731



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/259,629	10/28/2008	Roman Czernik	H-US-00636 (203-5061)	1317
50855 7590 01/21/2011 Tyco Healthcare Group LP d/b/a Covidien 555 Long Wharf Drive Mail Stop 8-N1, Legal Department New Haven, CT 06511			EXAMINER HEITBRINK, JILL LYNNE	
			ART UNIT 1743	PAPER NUMBER
			MAIL DATE 01/21/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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1/21/2011

wk

Mailed:

In re application of

Czernik et al.

Serial No. 12/259,629

Filed: October 28, 2008

For: Mold For Actuation Sled

:
:
: DECISION ON
: PETITION
:

This is a response to Applicants Petition filed on October 25, 2010 to review the Advisory Action of December 24, 2009 that refused entry of the Applicants' amendment filed on March 23, 2010 in response to the Final Office Action mailed on October 5, 2009. Applicants further petition the Director to review the Examiner's objection of the drawings under 37 C.F.R. 1.83(a).

A review of the record indicates different dates for the various actions that Applicants have alluded to in their petition. A Final Rejection was mailed on April 23, 2010 in response to an amendment Applicants filed on March 23, 2010. An amendment after final was filed on June 23, 2010. The Examiner issued an Advisory on June 28, 2010. A Notice of Non-Compliant amendment was also issued on June 28, 2010 noting that the amendment to the drawings were not properly identified in the top margin as "replacement sheet", "new sheet" or "annotated sheet" as required by 37 CFR 1.121(d). Applicants filed a Notice of Appeal on July 23, 2010.

In the Final Rejection of April 23, 2010, the Examiner objected to the March 23, 2010 amendment to the drawings because it introduced new matter, made a rejection to claims 1-20 under 35 USC 112, first paragraph and a rejection to claims 1-20 under 35 USC 103(a). In response to the objection, Applicants file an after final amendment on June 23, 2010. The Amendment to the drawings was found non-compliant and the amendment made on March 23, 2010 remains of record.

The Examiner in the First Office action objected to the drawings under 37 CFR 1.83(a) stating that the apparatus for injection molding must be shown or the features canceled from the claims. The Examiner determined in the Final Rejection that the amendment filed on March 23, 2010 along with the addition of figure 8 contained new matter.

Figure 8 was submitted in response to the Examiner's objection that the initial drawings did not clearly show an injection molding apparatus with a first and second half that open and close to allow access to the molded article. Applicants submitted Fig 8 which showed a mold part 12 comprising a top portion 19 and a base 18 which can be separated to allow access to a finished molding product, an actuation sled 29. The Examiner's position was that Fig. 1 was a drawing of a product sled since the shape (mold part 12 of Fig.1) corresponds to that of element 29 in Fig. 8.

Applicants assert that Fig. 1 is an “injection molding apparatus” (page 6, line 3; page 4, lines 17-18 of the spec.) and that despite the substantial similarity between the injection molding apparatus and the product sled, Fig. 1, is in fact an illustration of the injection molding apparatus, not the product sled. Applicants further point out that molds used to make actuation sleds substantially mirror the shape of the sleds. Applicants further assert that the disclosure introduces each component of the injection apparatus with reference to FIG. 1, by specifically stating “ in the embodiment shown in FIG. 1, mold part 12 has a plurality of shaped portions 15” (page 6, line 11 of the spec.). Since Figs. 2-7 are different views of the apparatus illustrated in Fig. 1 (page 4, lines 19-26 of the spec.), these figures also illustrate molding apparatus.

DECISION

The Petition is **GRANTED**.

The original drawings (figures 1-7) are in compliance with the requirement under 37 CFR 1.83(a). Applicant's after final request that the withdrawal of figure 8 and removal of the previous amendments do not raise new issues as to the claims and disclosure and should be entered. The Notice of Non-Compliance as to Figure 8 should be withdrawn. Figure 8 was submitted with the notation “new drawing sheet” and is found to be in compliance.

/W. GARY JONES/

W. Gary Jones

Director, Technology Center 1700

Chemical and Materials Engineering

Dana A. Brussel

Tyco Healthcare Group LP

d/b/a Covidien

555 Long Wharf Drive

Mail Stop 8-N1, Legal Department

New Haven CT 06511



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STANDLEY LAW GROUP LLP
6300 Riverside Drive
Dublin OH 43017

MAILED

AUG 16 2010

OFFICE OF PETITIONS

In re Application of :
Valery Pavlovich Nedoshivin, et al. :
Application No. 12/259,654 :
Filed: October 28, 2008 :
Attorney Docket No. UNI 1825-003H :

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 15, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of December 30, 2009. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). A three (3) month extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is July 1, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$810, and the submission required by 37 CFR 1.114; (2) the petition fee of \$1,620; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-2991.

This application is being referred to Technology Center AU 2831 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

A handwritten signature in black ink, reading "Terri Johnson". The signature is written in a cursive style with a large, stylized "T" and "J".

Terri Johnson
Petitions Examiner
Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	
Application Number	12259670	
Filing Date	28-Oct-2008	
First Named Inventor	XiaoDong Wu	
Art Unit	2612	
Examiner Name	JULIE LIEU	
Attorney Docket Number	H0017950	
Title	MICROWAVE MOTION DETECTORS UTILIZING MULTI-FREQUENCY RANGING AND TARGET ANGLE DETECTION	
<p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.</p> <p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <ol style="list-style-type: none"> (1) Petition fee; (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications; (4) Statement that the entire delay was unintentional. 		
<p>Petition fee</p> <p>The petition fee under 37CFR 1.17(m) is attached.</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY.</p>		
<p>Issue Fee and Publication Fee :</p> <p>Issue Fee and Publication Fee must accompany ePetition.</p> <p><input checked="" type="checkbox"/> Issue Fee Transmittal is attached</p>		
Drawing corrections and/ or other deficiencies.		

- ☒ Drawing corrections and/ or other deficiencies are not required
- ☐ I certify, in accordance with 37 CFR 1.4.(D)(4), that drawing corrections and/ or other deficiencies have previously been filed on
- ☐ Drawing corrections and/ or other deficiencies are attached.

☒ STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☐ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☒ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors.
- ☐ A joint inventor; all of whom are signing this e-petition.
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71.

Signature	/arbarkume/
Name	Anthony R Barkume
Registration Number	33831



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : March 13, 2012

In re Application of :

XiaoDong Wu

Application No : 12259670

Filed : 28-Oct-2008

Attorney Docket No : H0017950

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed March 13, 2012 , to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Issue Fee(s) Due. The date of abandonment is the day after the expiration date of the period set for reply in the Notice.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue Fee and the Publication Fee (if necessary); (2) the petition fee as set forth in 37 CFR 1.17 (m); (3) the drawing correction and/or other deficiencies (if necessary); and (4) the required statement of unintentional delay have been received. Accordingly, the Issue Fee payment is accepted as having been unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Office of Data Management.

Office of Petitions



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Alexandria, VA 22313-1450
www.uspto.gov

LATHROP & GAGE LLP
2345 GRAND BOULEVARD
SUITE 2400
KANSAS CITY MO 64108

MAILED
JAN 21 2011
OFFICE OF PETITIONS

Applicant: Basimah Khulusi
Appl. No.: 12/259,736
Filing Date: October 28, 2008
Title: METHOD AND SYSTEMS FOR PRODUCING FACES OF
N-DIMENSIONAL FORMS
Attorney Docket: 481454
Pub. No.: US 2010/0064501 A9
Pub. Date: March 18, 2010
Pub. No.: US 2009/0049677 A1
Pub. Date: February 26, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on May 17, 2010, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors in the specification and claims.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

The errors pointed out by applicant by in the specification and claims in publication US 2010/0064501 A9; also occur in publication 2009/0049677 A1. Since the errors occurred in the original publication, it is too late to request republication for those errors.

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

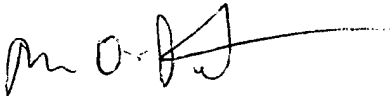
A Quick Start Guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

<http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp>

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication".

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.



Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy



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**FOLEY HOAG, LLP
PATENT GROUP, WORLD TRADE CENTER WEST
155 SEAPORT BLVD
BOSTON MA 02110**

**MAILED
MAY 09 2011
OFFICE OF PETITIONS**

In re Application of	:	
CARROLL, Michael C. et al.	:	
Application No. 12/259,767	:	DECISION ON PETITION
Filed: October 28, 2008	:	TO WITHDRAW
Attorney Docket No. CRA-002.02	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 29, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Beth E. Arnold on behalf of all attorneys of record who are associated with customer No. 25181. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the address indicated below.

There is an outstanding Office action mailed March 10, 2011 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

A handwritten signature in black ink, appearing to read "Michelle R. Eason".

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **IMMUNE DISEASE INSTITUTE, INC.
3 BLACKFAN CIRCLE
BOSTON, MA 02115**



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J. GORDON THOMSON
P.O. BOX 8865
VICTORIA BC V8V 3Z1 CA CANADA

MAILED

DEC 06 2010

OFFICE OF PETITIONS

ON PETITION

In re Application of
Steve Carkner et al.
Application No. 12/259,781
Filed: October 28, 2008
Attorney Docket Number: SC-03-RPA

This is a decision on the petition, filed November 17, 2010 under 37 CFR 1.137(b)¹, to revive the above identified application.

The petition is **GRANTED**.

This application became abandoned November 2, 2010 for failure to pay the issue fee in response to the Notice of Allowance mailed on July 29, 2010. Accordingly, the Notice of Abandonment was mailed on November 12, 2010.

The issue fee in the amount of \$755.00, publication fee in the amount of \$300 and the petition fee in the amount of \$810 have been charged to the credit card provided.

All other requirements of 37 CFR 1.137(b) having now been met, this matter is being referred to the Publishing Division to be processed into a patent.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

¹ Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (12-09)

Approved for use through 05/31/2010. OMB 0651-0062
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 70257.95 (M-17270US) Application Number (if known): 12/259,787 Filing date: 10/28/2008

First Named Inventor: Vahid S. Moshtagh

Title: CROSS FLOW CVD REACTOR

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request. Applicant hereby rescinds under 37 CFR 1.213(b) any previous filed request that the above-identified application not be published under 35 U.S.C. 122(b).

If the application has been published, the petition must still be accompanied by the publication fee set forth in 37 CFR 1.18(d) and a statement that the application has been published.


2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirement and classification requirement set forth in the notice entitled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction" that was published in the Federal Register if the Office determines that the claims are not obviously directed to a single invention.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: _____

Signature 	Date 12/16/2010
Name (Print/Typed) Norman E Carte	Registration Number 30,455

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.

☐ *Total of _____ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Vahid S. Moshtagh, et al.

Assignee: BRIDGELUX, INC.

Title: CROSS FLOW CVD REACTOR

Serial No.: 12/259,787

Filing Date: October 28, 2008

Examiner: Keath T. Chen

Group Art Unit: 1712

Docket No.: 70257.95 (M-17270 US)

Confirmation: 1601

Irvine, California
December 16, 2010

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Dear Sir:

The basis for this Petition to Make Special Under the Green Technology Pilot Program is energy conservation. This invention contributes to energy conservation and thus qualifies for the Green Technology Pilot Program because the invention facilitates the manufacture and/or use of light emitting diodes (LEDs) which use substantially less energy than contemporary incandescent and fluorescent lights. Thus, it is respectfully submitted that the materiality standard is met.

Haynes & Boone, LLP
Attorney & Counselors

18100 Van Karman
Suite 750
Irvine, CA 92612-0169

CONCLUSION

Authorization is given to charge any fees due or credit any overpayments in regard to this communication to deposit account 08-1394. If the Examiner has any questions or concerns, a telephone call to the undersigned at (949) 202-3000 is welcomed and encouraged.


Certification of Electronic Transmission

I hereby certify that this paper is being electronically transmitted to the U.S. Patent and Trademark Office on the date shown below.


Nuo Qu

December 16, 2010
Date of Signature

Respectfully submitted,


Norman E. Carte
Agent for Applicants
Reg. No. 30,455

Haynes & Boone, LLP
Attorney & Counselors

18100 Van Karman
Suite 750
Irvine, CA 92612-0169



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/259,787	10/28/2008	Vahid S. Moshtagh	M-17270 US	1601
32605	7590	01/11/2011	EXAMINER	
Haynes and Boone, LLP			CHEN, KEATH T	
IP Section				
2323 Victory Avenue			ART UNIT	
SUITE 700			PAPER NUMBER	
Dallas, TX 75219			1712	
			MAIL DATE	
			DELIVERY MODE	
			01/11/2011	
			PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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Haynes and Boone, LLP
IP Section
2323 Victory Avenue
SUITE 700
Dallas TX 75219

JAN 11 2011

In re Application of	:	
Moshtagh et al.	:	DECISION ON PETITION
Application No. 12/259,787	:	TO MAKE SPECIAL UNDER
Filed: 10/28/2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. M-17270 US	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 12/16/2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a

request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1712 for action on the merits commensurate with this decision.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No: 12259845 Filing date: 2008-10-28

First Named Inventor: GE, Anthony Wen

Title of the Invention: COMBINING FEATURE BOUNDARIES

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBS/EF5_HELP.HTML](http://www.uspto.gov/ebs/efs_help.html)

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2008/86309

The international filing date of the corresponding PCT application(s) is/are:

2008-12-11

I. List of Required Documents:

- a. A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)



is attached.



is not attached because the document is already in the U.S. application.

- b. A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).



is attached.



is not attached because the document is already in the U.S. application.

- c. English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

(continued)

Application No.:	
First Named inventor:	

- 

is attached

- ☒

Has already been filed in the above-identified U.S. application on 2010-06-06, 2008-10-28 & 2009-05-27

-

Are attached.


- ☒

Have already been filed in the above-identified U.S. application on 2010-06-06, 2008-10-28 & 2009-05-27

II. Claims Correspondence Table:

[illegible]

iii. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature 	Date 2011-06-06
Name (Print/Typed) Stephen B. Salai	Registration Number 26990



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/259,845	10/28/2008	Anthony Wen Ge	91604.000113	1702
23387	7590	06/10/2011		
Stephen B. Salai, Esq. Harter Secrest & Emery LLP 1600 Bausch & Lomb Place Rochester, NY 14604-2711			EXAMINER MEHTA, BHAVESH M	
			ART UNIT 2624	PAPER NUMBER
			NOTIFICATION DATE 06/10/2011	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

bsalai@hselaw.com
coffen@hselaw.com



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Stephen B. Salai, Esq.
Harter Secrest & Emery LLP
1600 Bausch & Lomb Place
Rochester NY 14604-2711

In re Application of	:	
GE, ANTHONY WEN et al.	:	DECISION ON REQUEST TO
Application No. 12/259,845	:	PARTICIPATE IN PATENT
Filed: October 28, 2008	:	PROSECUTION HIGHWAY
Att. Docket No. 91604.000113	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(a), filed June 6, 2011 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application be (a) a national stage entry of the corresponding PCT application, or (b) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (c) a national stage application that claims domestic/foreign priority to the corresponding PCT application, (d) a national application which forms the basis for the priority claim in the corresponding PCT application, or (e) a continuation application of the U.S. application which satisfies one of the above (a) to (d) scenarios.
- (2) A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the corresponding PCT application(s) which indicates at least one claim in the PCT application has novelty, inventive step, and industrial applicability.
- (3) A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the corresponding PCT application(s).
- (4) English translations of the documents in (2) and (3) (if the documents are not in the English language).
- (5) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claims which were indicated as having novelty, inventive step, and industrial applicability in the corresponding PCT application(s).
- (6) Examination of the U.S. application has not begun; and
- (7) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application(s) and copies of all of the documents cited in the international work products of the PCT application (unless

copies have already been filed in the U.S. application) corresponding to the U.S. application except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Doris To at 571-272-7629.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Doris To/

Doris To
Quality Assurance Specialist
Technology Center 2600
Communications



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AUG 19 2010

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HOLLAND & HART
222 South Main Street, Suite 2200
P.O. Box 11583
Salt Lake City, UT 84110

In re Application of Eric C. Pope
Appl. No.: 12/259,901
Filed: October 28, 2008
For: SUPERABRASIVE INSERTS INCLUDING AN
ARCUATE PERIPHERAL SURFACE

:
:
: **DECISION ON PETITION**
: **UNDER 37 CFR 1.84(a)(2)**
: **TO ACCEPT COLOR**
: **PHOTOGRAPHS**
:
:
:

This is a decision on the petition under 37 CFR § 1.84(a)(2), filed January 13, 2009, to accept-color photographs.

The Petition is **Dismissed**.

A petition under 37 CFR 1.84(a) (2) must contain:

- (A) An explanation why the color drawings are necessary;
- (B) The fee set forth in §1.17(h);
- (C) Three (3) sets of color drawings;
- (D) An amendment to the specification to insert the following language as the first paragraph of the brief description of the drawings:
The patent or application file contains at least one drawing executed in color.
Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

The petition lacks item (D). Note the current specification at paragraph [0017] actually recites that the current detailed description does not include any color drawings.

Application/Control Number: 11/231,269

Page 3

Art Unit: 3672

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-6999.

A handwritten signature in black ink, appearing to read "D. Bagnell", written over a horizontal line.

David J. Bagnell
Supervisory Patent Examiner
Technology Center 3600

DB: 08/19/10



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OCT 08 2010

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HOLLAND & HART
222 South Main Street, Suite 2200
P.O. Box 11583
Salt Lake City, UT 84110

In re Application of Eric C. Pope
Appl. No.: 12/259,901
Filed: October 28, 2008
For: SUPERABRASIVE INSERTS INCLUDING AN
ARCUATE PERIPHERAL SURFACE

:
:
: **DECISION ON PETITION**
: **UNDER 37 CFR 1.84(a)(2)**
: **TO ACCEPT COLOR**
: **PHOTOGRAPHS**
:
:
:

This is a decision on the renewed petition under 37 CFR § 1.84(a)(2), filed September 17, 2010, to accept color photographs.

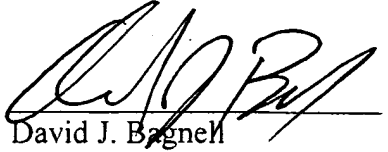
The Petition is **Granted**.

A petition under 37 CFR 1.84(a) (2) must contain:

- (A) An explanation why the color drawings are necessary;
- (B) The fee set forth in §1.17(h);
- (C) Three (3) sets of color drawings;
- (D) An amendment to the specification to insert the following language as the first paragraph of the brief description of the drawings:
The patent or application file contains at least one drawing executed in color.
Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

The petition includes all of the items (A)-(D).

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-6999.

A handwritten signature in black ink, appearing to read 'D. Bagnell', written over a horizontal line.

David J. Bagnell
Supervisory Patent Examiner
Technology Center 3600

DB:10/8/10



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BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085-4040

MAILED

MAR 22 2011

OFFICE OF PETITIONS

In re Application of	:	
TAYLOR, John R. et al.	:	
Application No. 12/259,945	:	DECISION ON PETITION
Filed: October 28, 2008	:	TO WITHDRAW
Attorney Docket No. 8604P001	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 17, 2011.

The request is **NOT APPROVED**.

The Office has revised its change in procedure for request to withdraw from representation applies to requests filed on or after May 12, 2008.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request cannot be approved because no address was provided.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272- 2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions



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APR 06 2011

OFFICE OF PETITIONS

**BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040**

In re Application of	:	
TAYLOR, John R. et al.	:	
Application No. 12/259,958	:	DECISION ON PETITION
Filed: October 28, 2008	:	TO WITHDRAW
Attorney Docket No. PANZ11-1003	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 17, 2011.

The request is **MOOT** because a revocation of power of attorney has been previously filed.

A review of the file record indicates that the power of attorney to BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP has been revoked by the assignee of the patent application on March 28, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/
Petitions Examiner
Office of Petitions

cc: **PARK, VAUGHAN, FLEMING & DOWLER LLP
2820 FIFTH STREET
DAVIS CA 95618-7759**

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)	
Application Number	12259971	
Filing Date	28-Oct-2008	
First Named Inventor	David Whiley	
Art Unit	2811	
Examiner Name	NITIN PAREKH	
Attorney Docket Number	BOUL/0024	
Title	WIND TURBINE ROTOR	
<p>An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.</p> <p>APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).</p> <p>A grantable petition requires the following items:</p> <p>(1) Petition fee; and</p> <p>(2) One of the following reasons:</p> <p>(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;</p> <p>(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or</p> <p>(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).</p>		
<p>Petition Fee</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY</p>		
Reason for withdrawal from issue		

- ☐ One or more claims are unpatentable
- ☒ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- ☐ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that:
- ☐ The RCE request, submission, and fee have already been filed in the above-identified application on
- ☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- ☐ A joint inventor; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/William B. Patterson/
Name	William B. Patterson
Registration Number	34102



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : April 19, 2012

In re Application of :

David Whiley

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12259971

Filed : 28-Oct-2008

Attorney Docket No : BOUL/0024

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed April 19, 2012 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 2811 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions



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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

MAILED
FEB 02 2011
OFFICE OF PETITIONS

Applicant: Leon M. Silverstone
Appl. No.: 12/259,995
Filing Date: October 28, 2010
Title: A NON-INVASIVE METHOD AND APPARATUS FOR THE TREATMENT OF VIRAL INFECTIONS
Attorney Docket: BIOSCI.002A
Pub. No.: US 2010/0106205 A1
Pub. Date: April 29, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on June 29, 2010 for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors wherein the title of the invention filed with the preliminary amendment on February 4, 2009, was not included in the publication.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

The error noted by requestor with respect to the preliminary amendment is not an Office error. The title is printed as it appears in the ADS, the specification, and the OATH filed with the application on October 28, 2010. Furthermore, the patent application publication does not include a mistake regarding the failure to include the preliminary amendment to the specification because patent application publications are not required to include preliminary amendments. See

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

37 CFR 1.215(a). The “failure to include an amendment is not an Office error.” See MPEP 1130(b). The publication accurately reflected the specification as filed.

Applicant is reminded of his duty to conduct a reasonable inquiry before filing a paper before the Office. See MPEP 410.

Applicants’ request for a corrected patent application publication on February 18, 2009, may constitute a “failure to engage in reasonable efforts to conclude processing or examination of the application.” See 1.704(c). This determination will be made on or after a mailing of a Notice of Allowance.

The applicant is advised that a “request for republication of an application previously published” may be filed under 37 CFR 1.221 (a). Such a request for republication “must include a copy of the application compliance with the Office’s electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i).” If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

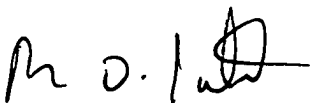
A Quick Start Guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

<http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp>

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a “Pre-Grant Publication”.

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.



Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy



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Blakely, Sokoloff Taylor & Zafman, LLP
1279 Oakmead Parkway
Sunnyvale, CA 94085-4040

MAILED

MAY 09 2011

OFFICE OF PETITIONS

In re Application of

John Richard Taylor et. al.

Application No. 12/260,032

Filed: October 28, 2008

Attorney Docket No. 8604P002

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 17, 2011.

The request is **moot because a revocation of power of attorney has been filed.**

A review of the file record indicates that the power of attorney to Blakely, Sokoloff, Taylor & Zafman, LLP, has been revoked by the assignee of the patent application on March 28, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Park, Vaughan, Fleming & Dowler, LLP
2820 Fifth Street
Davis, CA 95618-7759



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BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085-4040

MAILED

MAR 22 2011

In re Application of	:	OFFICE OF PETITIONS
CHOU, Randy Yen-Pang et al.	:	
Application No. 12/260,034	:	DECISION ON PETITION
Filed: October 28, 2008	:	TO WITHDRAW
Attorney Docket No. 8604P004	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 17, 2011.

The request is **NOT APPROVED**.

The Office has revised its change in procedure for request to withdraw from representation applies to requests filed on or after May 12, 2008.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request cannot be approved because no address was provided.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272- 2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Decision Date January 16, 2012

In re Application of Chang Guo

Application No. 12260121

Filed: 29-Oct-2008

DECISION ON PETITION

UNDER CFR 1.137(b)

Attorney Docket No. CN920070079US1

This is an electronic decision on the petition under 37 CFR 1.137(b), January 16, 2012, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the outstanding Office communication. The date of abandonment is the day after the last day of the period set for reply in the Office action plus any applicable extensions of time properly requested.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a response; (2) the petition fee as set forth in 37 CFR 1.17 (m); and (3) the required statement of unintentional delay have been received. Accordingly, the response is accepted as having been unintentionally delayed.

The statement of unintentional delay is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay and by a person having firsthand or direct knowledge of the facts and circumstances of the delay at issue. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Technology Center.

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	
Application Number	12260121	
Filing Date	29-Oct-2008	
First Named Inventor	Chang Guo	
Attorney Docket Number	CN920070079US1	
Title	APPARATUS AND METHOD FOR GENERATING A MONITORING VIEW OF AN EXECUTABLE B	
<p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.</p> <p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <p>(1) Petition fee;</p> <p>(2) Reply and/or issue fee;</p> <p>(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and</p> <p>(4) Statement that the entire delay was unintentional</p>		
<p>Petition Fee</p> <p><input type="radio"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="radio"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="radio"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="radio"/> Applicant(s) status remains as other than SMALL ENTITY.</p>		
<p>2. Reply and/or fee</p> <p><input type="radio"/> I certify, in accordance with 37 CFR 1.4(d)(4) that the amendment and response have already been filed in the above-identified application on</p> <p><input checked="" type="radio"/> Amendment and response are attached</p> <p>RCE request, submission, and fee.</p> <p><input type="radio"/> I certify, in accordance with 37 CFR 1.4(d)(4) that the RCE Request, Submission, and Fee have already been filed in the above-identified application on</p> <p><input type="radio"/> RCE Request, Submission, and Fee are attached</p>		
Notice of Appeal		

☐ I certify, in accordance with 37 CFR 1.4(d)(4) that the Notice of Appeal and Fee have already been filed in the above-identified application on

☐ Notice of Appeal and Fee are attached

3. Terminal Disclaimer is not required, since the Electronic Petition format is not support for Design applications and applications filed before June 8, 1995. Please file using regular petition format for review by the Office of Petitions.

☒ STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

☐ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.

☒ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.

☐ A sole inventor

☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors

☐ A joint inventor; all of whom are signing this e-petition

☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Lily Neff/
Name	Lily Neff
Registration Number	38254

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s):	Mats Sångfors, et al.	§	Group Art Unit:	2112
Application No:	12/260,189	§	Examiner:	Jacques Louis Jacques
Filed:	10-29-2008	§	Confirmation No.	2329

For: METHODS AND APPARATUS FOR PROCESSING ERROR CONTROL MESSAGES
IN A WIRELESS COMMUNICATION SYSTEM

Via EFS-Web

Mail Stop PCT
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313.1450

CERTIFICATE OF TRANSMISSION BY EFS-WEB

I hereby certify that this paper or fee is being transmitted to the United States Patent and Trademark Office electronically via EFS-Web.

Date: **December 31, 2010**

Signature: **/Todd A. Cason, Reg No 54,020/**

Name: Todd A. Cason

Dear Sir:

PETITION TO MAKE SPECIAL
UNDER 37 C.F.R. § 1.102

In accordance with the U.S.P.T.O.'s "Backlog Reduction Stimulus Plan," as set forth in the Official Gazette Notices of December 22, 2009 (see 1349 Off. Gaz. Pat. Off. 304), February 23, 2010 (see 1351 Off. Gaz. Pat. Off. 202), and July 20, 2010 (see 1356 Off. Gaz. Pat. Off. 173) (collectively the "Official Gazette Notices"), Telefonaktiebolaget LM Ericsson ("Applicant") submits this Petition to Make Special (this "Petition") and requests that the above-referenced application (the "Present Application") be accorded special status under 37 C.F.R. § 1.102.

As required by the *Official Gazette Notices*, the following conditions have been satisfied:

1) The Present Application is a non-provisional application that has an actual filing date earlier than October 1, 2009;

2) Applicant is the assignee of another non-provisional application, U.S. Pat. Appl. No. 12/439,409 (the "Abandoned Application") that has an actual filing date earlier than October 1, 2009 and is complete under 37 C.F.R. § 1.53;

3) Applicant is currently the sole assignee of both the Present Application and the Abandoned Application and has been since before October 1, 2009;

4) On the date this Petition to Make Special was filed, Applicant also filed a Declaration of Express Abandonment Under 37 C.F.R. § 1.138 (the "Abandonment Declaration") expressly abandoning the Abandoned Application. Applicant believes the Abandonment Declaration was filed prior to the Abandoned Application being taken up for examination. Additionally, in accordance with the *Office Gazette Notices*, the Abandonment Declaration included:

a) A statement that Applicant has not and will not file an application that claims the benefit of the filing date of the Abandoned Application under any provision of Title 35 of the U.S.C.;

b) A statement that Applicant agrees not to, in the future, request a refund of any fees paid in the Abandoned Application; and

c) A statement that Applicant has not and will not file a new application claiming the same inventions as is currently claimed in the Abandoned Application; and

5) Applicant now files this Petition under 37 C.F.R. § 1.102 in the Present Application. As part of this Petition, Applicant respectfully notes that:

a) The basis under which special status is being sought is the express abandonment of another copending application pursuant to the Backlog Reduction Stimulus Plan established by the *Official Gazette Notices* conditioned on the granting of this Petition;

b) A copy of the Abandonment Declaration is submitted herewith;

c) The Present Application and the Abandoned Application have both been owned by Telefonaktiebolaget LM Ericsson, as sole assignee, since before October 1, 2009, which qualifies the Present Application for special status pursuant to the Backlog Reduction Stimulus Plan;

d) As indicated above, the Abandoned Application was assigned the application number, U.S. Pat. Appl. No. 12/439,409;

e) Applicant has not filed petitions requesting special status under the Backlog Reduction Stimulus Plan in more than fourteen (14) other applications; and

f) Applicant agrees to make an election without traverse via a telephone interview if the U.S.P.T.O. deems the claims of the Present Application to be directed to two or more independent and distinct inventions.

Applicant respectfully notes that, pursuant to the *Official Gazette Notices*, the fee requirement for petitions to make special under 37 C.F.R. § 1.102 is waived, and Applicant believes no further fees are necessary at this time. However, the Commissioner is hereby authorized to deduct any necessary fees from, or to credit any overcharges to, Deposit Account No. 50-1379.

Respectfully submitted,

/Todd A. Cason, Reg No 54,020/

Todd A. Cason
Reg. No. 54,020

Ericsson Inc.
6300 Legacy Drive
M/S EVR 1-C-11
Plano, TX 75024
972-583-8510

Electronic Acknowledgement Receipt	
EFS ID:	9146812
Application Number:	12439409
International Application Number:	
Confirmation Number:	3596
Title of Invention:	METHODS AND ARRANGEMENTS FOR PREFIX MANAGEMENT IN MOVING NETWORKS
First Named Inventor/Applicant Name:	Johan Rune
Customer Number:	27045
Filer:	Steven Ware Smith/Todd Cason
Filer Authorized By:	Steven Ware Smith
Attorney Docket Number:	P21814-US1
Receipt Date:	31-DEC-2010
Filing Date:	13-MAR-2009
Time Stamp:	16:58:39
Application Type:	U.S. National Stage under 35 USC 371

Payment information:					
Submitted with Payment		no			
File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Letter Express Abandonment of the application	P21814-RequestFile.pdf	24951 40a3833c2170bb9632539f9e1f2d5dc2356c7668	no	2
Warnings:					
Information:					

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s):	Johan Rune, et al.	§	Group Art Unit:	2432
		§		
Application No:	12/439,409	§	Examiner:	Gilberto Barron, Jr.
		§		
Filed:	March 13, 2009	§	Confirmation No.	3596

FOR: METHODS AND ARRANGEMENTS FOR PREFIX MANAGEMENT IN MOVING NETWORKS

Via EFS-Web

Mail Stop PCT
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313.1450

CERTIFICATE OF TRANSMISSION BY EFS-WEB

I hereby certify that this paper or fee is being transmitted to the United States Patent and Trademark Office electronically via EFS-Web.

Date: **Dec. 31, 2010**

Signature: **/Todd A. Cason, Reg No 54,020/**

Name: Todd A. Cason

Dear Sir:

**DECLARATION OF EXPRESS
ABANDONMENT UNDER 37 C.F.R § 1.138**

For the purpose of participating in the U.S.P.T.O.'s Backlog Reduction Stimulus Plan set forth in the Official Gazette Notices of December 22, 2009 (see 1349 Off. Gaz. Pat. Off. 304), February 23, 2010 (see 1351 Off. Gaz. Pat. Off. 202), and July 20, 2010 (see 1356 Off. Gaz. Pat. Off. 173) (collectively, the "Official Gazette Notices"), Telefonaktiebolaget LM Ericsson ("Applicant"), as sole assignee of the relevant patent, expressly abandons U.S. Pat. Appl. No. 12/439,409 (the "Abandoned Application") under 37 C.F.R. § 1.138. To the extent permissible under the Backlog Reduction Stimulus Plan, Applicant conditions this abandonment of the Abandoned Application on the U.S.P.T.O. granting the Petition to Make Special Under 37 C.F.R. § 1.102 filed concurrently with this Declaration in U.S. Pat. Appl. No. 12/260,189.

Additionally, in accordance with the requirements of the *Office Gazette Notices*, Applicant has not filed and will not file any other application claiming the same invention presently claimed by the Abandoned Application. Applicant also has not filed and will not file another application claiming the benefit of the Abandoned Application's filing date under any provision of Title 35 of the U.S.C. Moreover, Applicant agrees not to, in the future, request refund of any fees paid on the Abandoned Application.

Respectfully submitted,

/Todd A. Cason, Reg No 54,020/

Todd A. Cason
Reg. No. 54,020

Ericsson Inc.
6300 Legacy Drive
M/S EVR 1-C-11
Plano, TX 75024
972-583-8510



UNITED STATES PATENT AND TRADEMARK OFFICE

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ERICSSON INC.
6300 LEGACY DRIVE
M/S EVR 1-C-11
PLANO TX 75024

MAILED

JAN 14 2011

OFFICE OF PETITIONS

In re Application of	:	
SAGFORS, et al.	:	DECISION ON PETITION
Application No. 12/260,189	:	TO MAKE SPECIAL
Filed: October 29, 2008	:	37 CFR 1.102
Attorney Docket No. P24916-US2	:	

This is a decision on the petition under 37 CFR 1.102, filed December 31, 2010, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009) and 75 Federal register Notice 36063 (June 24, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 62285 and 75 FR 36063 must be directed to a nonprovisional application filed prior to October 1, 2009.

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

- (1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009;
- (2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;
- (3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;
- (4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and
 - a) includes a statement that the applicant has not and will not file a new application that claims the same invention claimed in the expressly abandoned application;

- b) includes a statement that the applicant has not and will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United States Code, and
 - c) includes a statement that the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and
- (5) The applicant files a petition under 37 CFR 1.102 in the application for which special status is sought that
- a) includes a specific identification of the relationship between the applications that qualifies the application for special status;
 - b) identifies, by application number if available, the application that is being expressly abandoned;
 - c) provides a statement certifying that applicant has not filed petitions in more than fourteen (14) other applications requesting special status under this program; and
 - d) provides a statement that applicant agrees to make an election without traverse in a telephonic interview if the Office determines that the claims of the application to be made special are directed to two or more independent and distinct inventions.


The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

The instant petition complies with the conditions required under Patent Application Backlog Reduction Stimulus Plan. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Brian W. Brown at 571-272-5338.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Office of Patent Application Processing for further processing commensurate with this decision.


Brian W. Brown
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:1202

DATE : February 06, 2012

TO SPE OF : ART UNIT 2833

SUBJECT : Request for Certificate of Correction on Patent No.: 7815364

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

Certificates of Correction Branch - ST (South Tower) 9A22

Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments:

/renee s luebke/
Renee Luebke - SPE - AU 2833



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/260,219	10/29/2008	Atsushi Yamaguchi	28951.5658	2364

53067 7590 11/17/2010
STEPTOE & JOHNSON LLP
1330 CONNECTICUT AVE., NW
WASHINGTON, DC 20036

EXAMINER

NGO, HUNG V

ART UNIT	PAPER NUMBER
2835	

MAIL DATE	DELIVERY MODE
11/17/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

November 5, 2010

STEPTOE & JOHNSON LLP
1330 CONNECTICUT AVE., NW
WASHINGTON, DC 20036

In re Application of YAMAGUCHI ET AL.
Application No.: 12/260219
Filed: October 29, 2008
For: MOUNTED STRUCTURE

:
:
: **WITHDRAWAL FROM ISSUE**
: *37 C.F.R. § 1.313*
:
:

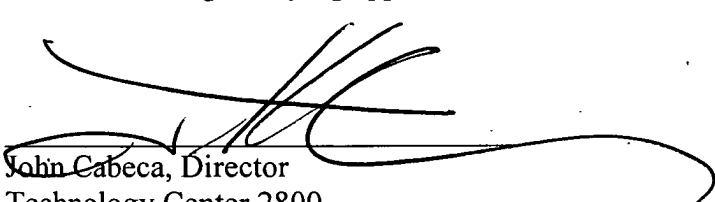
The above-identified application is withdrawn from issue after payment of the issue fee due to unpatentability of one or more claims. See 37 C.F.R. § 1.313(b)(3).

The above-identified application is hereby withdrawn from issue.

The issue fee is refundable upon request. If, however, the application is again found allowable, the issue fee can be applied toward payment of the issue fee in the amount identified on the new Notice of Allowance and Fees Due upon written request. This request and any balance due must be received on or before the due date noted in the new Notice of Allowance and Fees Due in order to prevent abandonment of the application.

Telephone inquiries should be directed Jinhee Lee, Supervisory Patent Examiner, at (571) 272-1977.

The above-identified application is being forwarded to the examiner for prompt appropriate action, including notifying applicant of the new status of this application.



John Cabeca, Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

DETAILED ACTION

Allowable Subject Matter

The indicated allowability of claims 1-9 is withdrawn in view of the newly discovered reference(s), submitted in IDS by the applicant after notice of allowance, to Ando et al (US 6,433,412), Fujimoto et al (US 2007/0152025). Rejections based on the newly cited reference(s) follow.

Applicant is advised that the Notice of Allowance mailed 9/29/2010 is vacated. If the issue fee has already been paid, applicant may request a refund or request that the fee be credited to a deposit account. However, applicant may wait until the application is either found allowable or held abandoned. If allowed, upon receipt of a new Notice of Allowance, applicant may request that the previously submitted issue fee be applied. If abandoned, applicant may request refund or credit to a specified Deposit Account.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 9 is rejected under 35 U.S.C. 102(b) as being anticipated by Ando et al (US 6,433,412).

Re claim 9, Ando et al disclose a plurality of semiconductor elements (1) is adjacently mounted on a substrate (2) by a conductive adhesive (6); an electronic part (7) other than the semiconductor elements (col. 7, lines 48-51) is mounted on the

Art Unit: 2835

substrate between the adjacently mounted semiconductor elements by a conductive adhesive (8), and spaces between the plurality of semiconductor elements and the substrate, spaces between the electronic part and the substrate, and spaces between the plurality of semiconductor elements and the electronic part are integrally molded with a molding resin (10).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ando et al (US 6,433,412) in view of Fujimoto et al (US 2007/0152025).

The teaching as discussed above does not disclose the solder having a melting point of 200°C or lower (re claim 1), wherein an interval between the adjacent semiconductor elements is 40 mm or less (re claim 2), wherein a composition of the solder includes at least one type of metal selected from Bi and In, and a balance of the composition is Sn (re claim 3), wherein the composition of the solder includes at least one type of metal selected from 50 to 70% Bi by weight and 10 to 25% In by weight, and the balance of the composition is Sn (re claim 4), wherein the composition of the solder further includes at least one type of metal selected from a group made up of Cu, Ge, and Ni (re claim 5), wherein the composition of the solder further includes at least one type of metal selected from a group made up of 0.1 to 1.0% Cu by weight, 0.001 to

Art Unit: 2835

0.1% Ge by weight, and 0.001 to 0.1% Ni by weight (re claim 6), wherein a thickness of the substrate is 0.5 mm or less (re claim 7).

Re claims 1, 3, 5, Fujimoto et al teach the use of a solder having a melting point of 200°C or lower [0043], wherein a composition of the solder includes a Bi-Sn and In-Sn [0044], wherein the composition of the solder further includes Cu, Ge or Ni [0044]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use low temperature solder for the solder of Ando et al for the purpose of having a high reliability and enables joining solder at a fine pitch.

Re claims 4, 6, as to a specific amount of Bi, In, Cu, Ge, or Ni, it would have been obvious to one of ordinary skill in the art at the time the invention was made to select the specific amount of Bi, In, Cu, Ge, or Ni of the modified Ando et al for optimizing the melting temperature of the solder, since it has been held that where the general conditions of a claim are disclosed in prior art, discovering optimum ranges involves only routine skill in the art. In re Aller, 105 USPQ 233.

Re claims 2, 7, as to a specific dimension, it would have been obvious to one of ordinary skill in the art at the time the invention was made select a specific thickness of the substrate or to select a specific interval between semiconductor elements for intended use, since it has been held that where the general conditions of a claim are disclosed in prior art, discovering optimum ranges involves only routine skill in the art. In re Aller, 105 USPQ 233.

Re claim 8, Ando et al disclose wherein the electronic part is mounted at an intermediate position of the semiconductor elements adjacently mounted on the substrate (Fig 14).

Communication

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung V. Ngo whose telephone number is (571) 272-1979. The examiner can normally be reached on Monday to Friday 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jinhee Lee can be reached on (571) 272-1977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jinhee J Lee/
Supervisory Patent Examiner, Art Unit 2835

/Hung V Ngo/
Primary Examiner, Art Unit 2835



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/260,223	10/29/2008	Kouji IMAEDA	RYM-2635-672	2369
23117 7590 09/29/2011 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			EXAMINER WU, JUNCHUN	
			ART UNIT	PAPER NUMBER
			2191	
			MAIL DATE	DELIVERY MODE
			09/29/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

In re Application of: IMAEDA et al.
Application No. 12/260,223
Attorney Docket #: **RYM-2635-672**
Filed: October 29, 2008
For: **SYSTEM AND PROGRAM
PRODUCT FOR EXECUTING
PROGRAM TO THEREBY TEST THE
PROGRAM**

DECISION ON REQUEST TO
PARTICIPATE IN PATENT
PROSECUTION HIGHWAY
PROGRAM AND PETITION TO
MAKE SPECIAL UNDER 37 CFR
1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed August 26, 2011, to make the above-identified application special.

The petition is **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application for which participation in the PPH program is requested and the corresponding JPO application must have the same priority/filing date. In particular, the U.S. application (including national stage entry of a PCT application and a so-called bypass application filed under 35 U.S.C. § 111(a) which validly claims benefit under 35 U.S.C. § 120 to a PCT application):

(a) is an application that validly claims priority under 35 U.S.C. § 119(a) and 37 CFR 1.55 to one or more applications filed with JPO,

Or

(b) is an application which is the basis of a valid priority claim under the Paris Convention for the application filed in JPO

Or

(c) is an application which shares a common priority document with the application filed in JPO

Or

(d) and the JPO application are derived from/related to a PCT application having no priority claim

(2) Applicant must submit a copy of:

- a. The allowable/patentable claim(s) from the JPO application(s)
- b. An English translation of the allowable/patentable claim(s) and
- c. A statement that the English translation is accurate;

If the JPO office action does not explicitly state that a particular claim is allowable, the applicant must include a statement in the request for participation in the PPH program or in the transmittal letter accompanying the request for participation that no rejection has been made in the JPO office action regarding that claim, and therefore, the claim is deemed allowable by JPO.

(3) Applicant must:

a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s). Claims are considered to "sufficiently correspond" where, accounting for differences due to translations and claim format, the claims in the USPTO are of the same or similar scope as the claims in the JPO, or the claims in the USPTO are narrower in scope than the claims in the JPO. In this regard, a claim that is narrower in scope occurs when a JPO claim is amended to be further limited by an additional feature that is supported in the specification (description and/or claims). A claim in the USPTO which introduces a new/different category of claims to those claims indicated as allowable in the JPO is not considered to sufficiently correspond.

b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:

a. Documentation of prior office action:

- i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
- ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
- iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above

c. A statement that the English translation is accurate;

(6) Applicant must submit:

- a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
- b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The petition is **GRANTED**.

The request to participate in the PPH pilot program and petition are found to comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Mano Padmanabhan/

Mano Padmanabhan

Quality Assurance Specialist, Technology Center 2100, Workgroup 2180
571-272-4210



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : March 5, 2012

In re Application of :

Junichi Hiruma

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12260240

Filed : 29-Oct-2008

Attorney Docket No : 10053770US01

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed March 5, 2012 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 2625 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)	
Application Number	12260240	
Filing Date	29-Oct-2008	
First Named Inventor	Junichi Hiruma	
Art Unit	2625	
Examiner Name	STEVEN KAU	
Attorney Docket Number	10053770US01	
Title	IMAGE FORMING APPARATUS AND MANAGEMENT SYSTEM UTILIZING COUNTER AND JOB LOG INFORMATION FOR USAGE TRACKING	
<p>An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.</p> <p>APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).</p> <p>A grantable petition requires the following items:</p> <p>(1) Petition fee; and</p> <p>(2) One of the following reasons:</p> <p>(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;</p> <p>(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or</p> <p>(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).</p>		
<p>Petition Fee</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY</p>		
Reason for withdrawal from issue		

- ☐ One or more claims are unpatentable
- ☒ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- ☐ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that:
- ☐ The RCE request, submission, and fee have already been filed in the above-identified application on
- ☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- ☐ A joint inventor; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Abigail Cotton/
Name	Abigail Cotton
Registration Number	52773



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Stuart Smith
10411 Samage Drive
Oakton VA 22124

MAILED
APR 18 2011
OFFICE OF PETITIONS

In re Application of :
Vernon Eric Staton, et al. :
Application No. 12/260,322 : **DECISION ON PETITION**
Filed: October 29, 2008 :
Attorney Docket No. 053651.0015 :

This is a decision on the petition under 37 CFR 1.182, filed August 14, 2009, to change the order of the names of the inventors.

The petition is **GRANTED**.

Office records have been corrected to reflect the change in the order of the named inventors. A corrected Filing Receipt, which sets forth the desired order of the named inventors, accompanies this decision on petition.

The \$400 fee for the petition under 37 CFR 1.182 has been waived due to the order of inventors was incorrect due to the fault of the Office.

This application is being referred to Technology Center AU 3742 for examination in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/260,322	10/29/2008	3742	527	053651.0015	20	2

CONFIRMATION NO. 2551

CORRECTED FILING RECEIPT



OC000000047148568

Date Mailed: 04/14/2011

69469
Stuart Smith
10411 Samage Drive
Oakton, VA 22124

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Vernon Eric STATON, Lexington, VA;
Jeremy C. CHERON, Alexandria, VA;
Soorena SADRI, Alexandria, VA;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CIP of 11/595,948 11/13/2006 PAT 7,446,289
which claims benefit of 60/735,217 11/10/2005

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

If Required, Foreign Filing License Granted: 11/07/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/260,322**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

ENHANCED PLASMA FILTER

Preliminary Class

219

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	
Application Number	12260349	
Filing Date	29-Oct-2008	
First Named Inventor	Tracy Flynn	
Art Unit	3687	
Examiner Name	OLUSEGUN GOYEA	
Attorney Docket Number	13480	
Title	METHOD AND APPARATUS FOR CUSTOMER SPECIFIC BASED FOOD PREPARATION PREDICTION	
<p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.</p> <p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <ol style="list-style-type: none"> (1) Petition fee; (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications; (4) Statement that the entire delay was unintentional. 		
<p>Petition fee</p> <p>The petition fee under 37CFR 1.17(m) is attached.</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY.</p>		
<p>Issue Fee and Publication Fee :</p> <p>Issue Fee and Publication Fee must accompany ePetition.</p> <p><input checked="" type="checkbox"/> Issue Fee Transmittal is attached</p>		
<p>Drawing corrections and/ or other deficiencies.</p>		

- ☒ Drawing corrections and/ or other deficiencies are not required
- ☐ I certify, in accordance with 37 CFR 1.4.(D)(4), that drawing corrections and/ or other deficiencies have previously been filed on
- ☐ Drawing corrections and/ or other deficiencies are attached.

☒ STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors.
- ☐ A joint inventor; all of whom are signing this e-petition.
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71.

Signature	/Paul W. Martin, Reg. # 34,870/
Name	Paul W. Martin
Registration Number	34870



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : April 4, 2012

In re Application of :

Tracy Flynn

Application No : 12260349

Filed : 29-Oct-2008

Attorney Docket No : 13480

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed April 4, 2012 , to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Issue Fee(s) Due. The date of abandonment is the day after the expiration date of the period set for reply in the Notice.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue Fee and the Publication Fee (if necessary); (2) the petition fee as set forth in 37 CFR 1.17 (m); (3) the drawing correction and/or other deficiencies (if necessary); and (4) the required statement of unintentional delay have been received. Accordingly, the Issue Fee payment is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Office of Data Management.

Office of Petitions

**CERTIFICATION AND REQUEST
FOR RELIEF DUE TO EVENTS OF MARCH 11, 2011, IN JAPAN** (Page 1 of 2)

Nonprovisional Application Number or Control Number (if applicable): 12/260,375	Patent Number (if applicable):
First Named Inventor: KATAOKA, et al.	Title of Invention: ANALYSIS MODEL GENERATION SYSTEM

APPLICANT/PATENTEE/REEXAMINATION PARTY HEREBY CERTIFIES AND REQUESTS THE FOLLOWING FOR THE ABOVE-IDENTIFIED APPLICATION/PATENT/REEXAMINATION PROCEEDING.

1. FOR PATENT APPLICATIONS AND REEXAMINATION PROCEEDINGS PENDING IN THE USPTO AS OF MARCH 11, 2011, IN WHICH A COMMUNICATION FROM THE USPTO IS SOUGHT TO BE REMAILED:
 - a. One or more inventors, an assignee, or a correspondence address (for the application/proceeding) is in an area of Japan affected by the earthquake and/or tsunami of March 11, 2011.
 - b. A reply or response to an Office action (final, non-final, or other), a notice of allowance, or other Office notice (hereinafter collectively referred to as "Office communication") is outstanding on March 11, 2011.
 - c. The statutory or non-statutory time period set for response has not yet expired.
 - d. Withdrawal and reissuance of the Office communication is requested.
 - e. It is acknowledged that if this request is not made within sufficient time so that withdrawal and reissuance of the Office communication occur prior to expiration of the statutory or non-statutory time period (as permitted to be extended under 37 CFR 1.136(a), or as extended under 37 CFR 1.550(c) or 1.956), this request may not be granted.
 - f. The need for the reissuance of the Office communication was due to the effects of the earthquake and/or tsunami of March 11, 2011.
 - g. This request is being sent via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
2. FOR PATENTEES WHO WERE UNABLE TO TIMELY PAY A PATENT MAINTENANCE FEE DURING THE SIX-MONTH GRACE PERIOD FOLLOWING THE WINDOW TO PAY THE MAINTENANCE FEE:
 - a. The original window of time to pay the maintenance fee without the surcharge required by 37 CFR 1.20(h) expired on or after March 11, 2011.
 - b. The delay in paying the fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.
 - c. The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(h) for paying a maintenance fee during the six-month grace period following the window to pay the maintenance fee.
 - d. This request and payment of the maintenance fee during the six-month grace period following the window to pay the maintenance fee is being mailed to: Director of the United States Patent and Trademark Office, Attn: Maintenance Fee, 2051 Jamieson Avenue, Suite 300, Alexandria, VA 22314; or being transmitted via facsimile to: 571-273-6500.

**CERTIFICATION AND REQUEST
FOR RELIEF DUE TO EVENTS OF MARCH 11, 2011, IN JAPAN** (Page 2 of 2)

3. FOR PATENTEES WHO NEED TO FILE A PETITION TO ACCEPT A DELAYED MAINTENANCE FEE PAYMENT UNDER 37 CFR 1.378(c):
- a. The maintenance fee payment was required to have been paid after March 10, 2011.
 - b. A petition under 37 CFR 1.378(c) (using USPTO form PTO/SB/66 – Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(c))) is being promptly filed accompanied by the applicable maintenance fee payment (but not the surcharge under 37 CFR 1.20(i)).
 - c. The delay in payment of the maintenance fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.
 - d. The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(i) for accepting a delayed maintenance fee payment.
 - e. It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed by March 11, 2012, in order to be entitled to a waiver of the surcharge under 37 CFR 1.20(i).
 - f. It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed within twenty-four months from the expiration date of the patent. See 35 U.S.C 41(c).
 - g. This request and the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) is being submitted via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
4. FOR NONPROVISIONAL PATENT APPLICATIONS FILED WITHOUT AN EXECUTED OATH OR DECLARATION OR PAYMENT OF THE BASIC FILING FEE, SEARCH FEE, AND/OR EXAMINATION FEE:
- a. The nonprovisional patent application was filed on or after March 11, 2011, and prior to April 12, 2011.
 - b. The late filing of the oath or declaration or the basic filing fee, search fee, or examination fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.
 - c. The USPTO is requested to *sua sponte* waive the surcharge set forth in 37 CFR 1.16(f) for the late filing of the oath or declaration or basic filing fee, search fee, and/or examination fee.
 - d. This request, together with the executed oath or declaration or the basic filing fee, search fee, or examination fee, as well as the reply to the Notice to File Missing Parts, is being submitted via EFS-Web or by mail directed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature /Paul J. Skwierawski/	Date July 1, 2011
Name (Print/Typed) Paul J. Skwierawski	Practitioner Registration Number 32,173
Note: Signatures of all the inventors, § 1.41(b) applicants, or assignees of record of the entire interest or their representative(s), or reexamination requesters at the appeal stage are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.	
<input type="checkbox"/> *Total of _____ forms are submitted.	

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON VA 22209-3873

MAILED
JUL 06 2011
OFFICE OF PETITIONS

In re Application of :
Kataoka et al. :
Application No. 12/260,375 : **DECISION ON PETITION**
Filed: October 29, 2008 :
Attorney Docket No. 520.49338X00 :

This is a decision on the request filed July 1, 2011, seeking relief under the provisions of "Relief Available to Patent and Trademark Applicants, Patentees and Trademark Owners Affected by the Catastrophic Events of March 11, 2011 in Japan," 1365 Off. Gaz. Pat. Office 170 (April 19, 2011).

The request for relief is **GRANTED**.

In the above-identified application, an Office action was mailed on March 2, 2011. The instant petition was filed prior to the expiration of the period for reply and the certifications for granting of relief are considered to be met by the submission of the request.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

This application is being referred to the Technology Center, Art Unit 2128 for re-mailing the Office action of March 2, 2011. The period for reply will run from the mailing date of the Office action.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Patent No. : **7801026**
Ser. No. : **12/260430**
Inventor(s) : **KURASAWA, YUSUKE**
Issued : **09/21/2010**
Title : **VIRTUALIZATION SWITCH AND METHOD FOR CONTROLLING A
VIRTUALIZATION SWITCH**
Docket No. : **0221.1205**

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

In regards to the alleged error(s) in the Abstract, the Abstract is printed in accordance with the Abstract filed on 10-29-08 by the applicant/attorney.

In view of the foregoing, your request, in this matter, is hereby denied.

A Certificate of Correction Request accompanied by the \$100 fee can be filed to correct this error.

Omega Lewis
For Mary Diggs
Decisions & Certificates
Of Correction Branch
(703)756-1575 or (703) 756-1814

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

OL



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MAILED

AUG 09 2011

OFFICE OF PETITIONS

**MICHAEL A DESANCTIS
HAMILTON DESANCTIS & CHA LLP
FINANCIAL PLAZA AT UNION SQUARE
225 UNION BOULEVARD, SUITE 150
LAKEWOOD CO 80228**

In re Application of	:	
HUSSAIN, et al	:	
Application No. 12/260,524	:	ON PETITION
Filed: October 29, 2008	:	
Attorney Docket No. FORT-002420	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 12, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of October 18, 2010. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is January 19, 2011. A Notice of Abandonment was mailed May 27, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$810, and the submission required by 37 CFR 1.114; (2) the petition fee of \$1620; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to Technology Center AU 2465 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Decision Date : November 18,2011

In re Application of :

Brian Finkel

Application No : 12260578

Filed : 29-Oct-2008

Attorney Docket No : FINK 0102 PUS

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed November 18,2011

The request is **APPROVED**.

The request was signed by David R. Syrowik (registration no. 27956) on behalf of all attorneys/agents associated with Customer Number 22045 . All attorneys/agents associated with Customer Number 22045 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name Brian G. Finkel
Name2
Address 1 21805 28 Mile Road, Ray Road
Address 2
City Ray Township
State MI
Postal Code 48096
Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	12260578	
Filing Date	29-Oct-2008	
First Named Inventor	Brian Finkel	
Art Unit	3657	
Examiner Name	MARIANO SY	
Attorney Docket Number	FINK 0102 PUS	
Title	BRAKE CALIPER INCLUDING HEAT PIPES	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		22045 <hr/>
The reason(s) for this request are those described in 37 CFR: 10.40(c)(1)(iv) 10.40(c)(1)(vi)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Brian G. Finkel	
Address	21805 28 Mile Road, Ray Road	
City	Ray Township	
State	MI	
Postal Code	48096	

Country	US
I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/David R. Syrowik/
Name	David R. Syrowik
Registration Number	27956

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)	
Application Number	12260598	
Filing Date	29-Oct-2008	
First Named Inventor	Shigeru UTSUMI	
Art Unit	1782	
Examiner Name	MICHAEL MIGGINS	
Attorney Docket Number	334106US2	
Title	RADOME AND METHOD OF PRODUCING THE SAME	
<p>An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.</p> <p>APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).</p> <p>A grantable petition requires the following items:</p> <p>(1) Petition fee; and</p> <p>(2) One of the following reasons:</p> <p>(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;</p> <p>(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or</p> <p>(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).</p>		
<p>Petition Fee</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY</p>		
Reason for withdrawal from issue		

- ☐ One or more claims are unpatentable
- ☒ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- ☐ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that:
- ☐ The RCE request, submission, and fee have already been filed in the above-identified application on
- ☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- ☐ A joint inventor; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Eckhard H. Kuesters/
Name	Eckhard H. Kuesters
Registration Number	28870



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : July 18,2011

In re Application of :

Shigeru UTSUMI

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12260598

Filed : 29-Oct-2008

Attorney Docket No : 334106US2

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed July 18,2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 1782 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTIONDATE : 03/07/12TO SPE OF : ART UNIT 1722SUBJECT : Request for Certificate of Correction for Appl. No.: 12260659 Patent No.: 8084192CofC mailroom date: 02/29/12

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Note: Should the changes in the claims be approved?*Lamonte Newsome*

Certificates of Correction Branch

571-272-3421**Thank You For Your Assistance****The request for issuing the above-identified correction(s) is hereby:**

Note your decision on the appropriate box.

app. 12260659 pat. no. 8084192

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes do not apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

Guth Hilly

1722

SPE

Art Unit



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United States Patent and Trademark Office
P.O. Box 1450
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BANNER & WITCOFF, LTD.,
ATTORNEYS FOR CLIENT NO. 006119
10 SOUTH WACKER DRIVE
SUITE 3000
CHICAGO IL 60606

MAILED

DEC 08 2011

In re Application of	:	
Iyer et al.	:	
Application No. 12/260709	:	OFFICE OF PETITIONS
Filing or 371(c) Date: 10/29/2008	:	
Attorney Docket Number:	:	
006119.00146	:	ON PETITION

This is a decision on the "Petition Pursuant to 37 CFR 1.181(a) to Withdraw Holding of Abandonment", filed November 16, 2011.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Office communication, mailed April 7, 2011. The Office action set a two (2) month period for reply, and provided for extensions of time under 37 CFR 1.136(a). No response having been received, the application became abandoned on June 8, 2011. A Notice of Abandonment was mailed October 27, 2011.

Applicant's Assertion

Applicant files the present petition and asserts that a timely reply to the Office action, including a request and fee for a one (1) month extension of time, was filed on July 7, 2011.

Office records

A review of Office records reveal that the Office received, *inter alia*, an amendment and one (1) month extension of time on July 7, 2011.

Conclusion

In view of the foregoing the petition is granted. The holding of abandonment is hereby withdrawn.

The application will be referred to Technology Center Art Unit 3694 for processing of the amendment and remarks, filed July 7, 2011, and for continued examination in the normal course of business.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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NIXON PEABODY, LLP
401 9TH STREET, NW
SUITE 900
WASHINGTON, DC 20004-2128

MAILED

JUN 22 2011

OFFICE OF PETITIONS

In re Application of :
Shunpei Yamazaki, et al. :
Application No. 12/260,788 : **DECISION ON PETITION**
Filed: October 29, 2008 :
Attorney Docket No.: 740756-3236 :

This is a decision on the petition, filed May 23, 2011, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

This application was held abandoned for failure to timely pay the issue and publication fees on or before March 16, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed December 16, 2010, which set a statutory period for reply of three (3) months.

Petitioner states that a timely reply was mailed via certificate of transmission on March 16, 2011 which included payment of the requisite issue fee. In support petitioner submits a copy of the sending unit's report and a copy of the previously transmitted correspondence.

The file record does not include the originally submitted papers. Failure to receive correspondence which includes a certificate of mailing or certificate of facsimile transmission is addressed in 37 CFR 1.8(b), reproduced below:

In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing or transmitting of the correspondence, or after the application is held to be abandoned, or after the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

(1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;

- The petition does not comply with item (2), inasmuch as the copy of the previously transmitted correspondence is not legible. Consequently, the petition cannot be granted at this time.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

By mail: **Mail Stop PETITIONS**
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By fax: (571) 273-8300
ATTN: Office of Petitions

By Internet: EFS-Web¹

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

¹ www.uspto.gov/ebc/efs_help.html (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)



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MAILED

JUL 29 2011

OFFICE OF PETITIONS

NIXON PEABODY, LLP
401 9TH STREET, NW
SUITE 900
WASHINGTON, DC 20004-2128

In re Application of	:	
Shunpei Yamazaki, et al.	:	
Application No.: 12/260,788	:	DECISION ON PETITION
Filed: October 29, 2008	:	
Attorney Docket No.: 740756-3236	:	

This is a decision on the renewed petition, filed July 18, 2011, under 37 CFR 1.181 (no fee), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

The application was held abandoned for failure to timely pay the issue fees on or before March 16, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed December 16, 2010, which set a statutory period for reply of three (3) months. A Notice of Abandonment was mailed on April 1, 2011.

Petitioner states that a timely reply was filed by facsimile transmission on March 16, 2011, which included the Fee Transmittal. Petitioner has submitted (1) a copy of Part B – Fee(s) Transmittal, which bears a certificate of mailing or transmission dated March 16, 2011 and (2) a transmission verification report showing a date and time of 3-16 15.28.

On reconsideration, the petition satisfies the above requirements of 37 CFR 1.8(b). Accordingly, the holding of abandonment for failure to timely file a reply to the Office action of December 16, 2010 is hereby withdrawn and the application restored to pending status.

The Notice of Abandonment mailed April 1, 2011 is **vacated**.

The Part B – Fee(s) Transmittal copy received with the petition will be accepted in place of the reply shown to have been transmitted by facsimile on March 16, 2011.

This application is being referred to the Office of Data Management for further processing in accordance with this decision on petition.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing as a patent should be directed to (571) 272-4200.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions



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NIXON PEABODY, LLP
401 9TH STREET, NW
SUITE 900
WASHINGTON, DC 20004-2128

MAILED

AUG 11 2011

OFFICE OF PETITIONS

In re Application of
Shunpei Yamazaki, et al.
Application No.: 12/260,788
Filed: October 29, 2008
Attorney Docket No.: 740756-3236

ON PETITION

This is a decision on the petition, filed August 10, 2011, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is not signed by a registered patent attorney or patent agent of record. However, in accordance with 37 CFR 1.34, the signature of Mr. Jeffrey L. Costellia appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on July 18, 2011, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2826 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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David B. Tingey
1800 Eagle Gate Tower
60 East South Temple
Salt Lake City, UT 84145

MAILED

JAN 03 2011

OFFICE OF PETITIONS

In re Application of
Michael Elliot
Application No. 12/260,789
Filed: October 29, 2008
Attorney Docket No. 15618.4

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 19, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by David B. Tingey on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Michael Elliot at the address indicated below.

The application became abandoned for failure to respond to the Office action mailed on May 17, 2010.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Michael Elliot**
P.O. Box 521547
Salt Lake City, UT 84152



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/260,789	10/29/2008	Michael Elliott	15618.4

83126

David B. Tingey
1800 Eagle Gate Tower
60 East South Temple
Salt Lake City, UT 84145

CONFIRMATION NO. 3308
POWER OF ATTORNEY NOTICE



Date Mailed: 12/21/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/19/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tsjohnson/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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Paul, Hastings, Janofsky & Walker, LLP
875 15th Street, NW
Washington, DC 20005

MAILED
JAN 24 2011
OFFICE OF PETITIONS

In re Application of	:	
Kevin Stewart Dick et al.	:	
Application No. 12/260,821	:	DECISION ON PETITION
Filed: October 29, 2008	:	TO WITHDRAW
Attorney Docket No. 70215.00007.CON1	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 8, 2010.

The request is **moot because a revocation of power of attorney has been filed.**

A review of the file record indicates that the power of attorney to Paul, Hastings, Janofsky & Walker, LLP., has been revoked by the assignee of the patent application on January 12, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Cooley, LLP
Attn: Patent Group
Suite 1100
777 – 6th Street, NW
Washington, DC 20001



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Mark J. Pandiscio
Pandiscio & Pandiscio, P.C.
470 Totten Pond Road
Waltham MA 02451

MAILED
DEC 13 2010
OFFICE OF PETITIONS

In re Application of
Rourke, et al.
Application No. 12/260,858
Filed: October 29, 2008
Atty. Dkt. No.: VIA-50

:
: DECISION ON PETITION
:
:
:

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed November 16, 2010.

The Notice of Abandonment mailed November 4, 2010 indicates that the application is abandoned for failure to timely submit a proper reply to the Office action mailed April 28, 2010.

Petitioner asserts that a complete reply to the Office action was timely filed October 28, 2010 and have provided a copy of the reply.

The reply said to have been mailed October 28, 2010 was received by the Office on November 2, 2010 and is contained in the official application file. As the reply includes the appropriate extension of time fee as well as a certificate of mailing, the reply is deemed timely within the meaning of 37 CFR 1.8.

In view of the evidence presented, the petition to withdraw the holding of abandonment is hereby GRANTED.

The Notice of Abandonment is hereby VACATED and the holding of abandonment is WITHDRAWN.

The application file is being forwarded to Technology Center 3738 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

/ALEZIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions



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WILMERHALE/BOSTON
60 STATE STREET
BOSTON MA 02109

MAILED

JAN 18 2011

OFFICE OF PETITIONS

In re Application of :
Elias Georges, et al. :
Application No. 12/260,892 :
Filed: October 29, 2008 :
Attorney Docket No. 0112418.00147US4 / :
AUR-01 :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed December 13, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks a forwarding correspondence address of the first named inventor or a properly intervening assignee.

If the forwarding correspondence address is to the assignee, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *that properly became of record under 37 CFR 3.71*. 37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

Also, certification box #2 was checked.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Marco Lestage, MBA, Adm.A.**
2 complexe Desjardins, Suite 1717
P.O. Box 760
Desjardins Postal Station
Montreal, QC H5B 1B8
Canada



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REGENERATION TECHNOLOGIES, INC.
c/o MCANDREWS, HELD & MALLOY
500 WEST MADISON STREET
34TH FLOOR
CHICAGO IL 60661

MAILED

JUN 10 2011

OFFICE OF PETITIONS

In re Application of
Davna Buskirk et al.
Application No. 12/260,898
Filed: October 29, 2008
Attorney Docket No. **13879US04**

ON PETITION

This is a decision on the petition filed May 12, 2011, to withdraw the holding of abandonment. The petition is being treated under 37 CFR 1.181, in accordance with the reasoning of the decision in Delgar Inc. v. Schuyler, 172 USPQ 513.

The petition under 37 CFR 1.181 is **GRANTED**.

This application became abandoned January 22, 2009 for failure to file a response to the Notice to File Corrected Application Papers mailed November 22, 2008. Accordingly, a Notice of Abandonment was mailed July 28, 2009.

Petitioner claims that notwithstanding a Revocation and Power of Attorney, the Notice to File Corrected Application Papers and Notice of Abandonment were not received as they were both addressed to Timothy H. Van Dyke at Bencen & Van Dyke, P.A., 1630 Hillcrest Street, Orlando, FL 32803.

A review of the file reveals that while the OATH submitted upon filing was from parent application 11/007,679, and gave the power of attorney to Timothy H. Van Dyke at Bencen & Van Dyke, P.A., 1630 Hillcrest Street, Orlando, FL 32803, as noted by petitioner, a Revocation and Power of Attorney was also filed and the correspondence address should have been that associated with customer number 52727. Thus, the Notice to File Corrected Application Papers was mailed to the wrong address and as petitioners claim, not received.

In view of the above, no petition fees are due and none have been charged.

The Notice of Abandonment is withdrawn and this matter is being referred to the Office of Patent Application Processing for a re-mailing of the Notice to File Corrected Application Papers.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions



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Muncy, Geissler, Olds & Lowe, PLLC
4000 Legato Road
Suite 310
FAIRFAX VA 22033

MAILED
DEC 07 2010
OFFICE OF PETITIONS

In re Application of :
Lo : DECISION ON PETITION
Application No. 12/261,222 :
Filed: October 30, 2008 :
Atty. Dkt. No.: 5545/0375PUS1 :

This is a decision on the petition under 37 CFR 1.137(b), filed November 16, 2010.

The petition is **GRANTED**.

This application became abandoned January 18, 2009 for failure to timely reply to the Notice to File Corrected Application Papers (Notice) mailed November 17, 2008. The Notice set a two month statutory period of time for reply. Notice of Abandonment was mailed July 24, 2009.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See, MPEP 711.03(c)(II)(C) and (D).

The instant petition has been carefully reviewed and found in compliance with the requirements set forth above.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

In view thereof, this application is being forwarded to the Office of Patent Application Processing for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

CC: Joe McKinney Muncy
PO Box 1364
Fairfax, VA 22038-1364



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/261,374	10/30/2008	Klaus Wolff	REDL:002USC1/10909093	4318

32425	7590	03/22/2011
FULBRIGHT & JAWORSKI L.L.P.		
600 CONGRESS AVE.		
SUITE 2400		
AUSTIN, TX 78701		

EXAMINER	
SHEN, WU CHENG WINSTON	

ART UNIT	PAPER NUMBER
1632	

NOTIFICATION DATE	DELIVERY MODE
03/22/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

aopatent@fulbright.com



UNITED STATES PATENT AND TRADEMARK OFFICE

MAR 22 2011

Commissioner for Patents
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TRAVIS M. WOHLERS
FULBRIGHT & JAWORSKI L.L.P.
600 CONGRESS AVENUE, SUITE 2400
AUSTIN, TEXAS 78701

In re Application of
Wolff et al.
Serial No.: 12/261,374
Filed: October 30, 2008
Attorney Docket No.: REDL: 002USC1/10909093

Decision on Petition

This letter is in response to the Petition of December 27, 2010 under 37 CFR 1.144 to request the reconsideration of the restriction requirement mailed on October 15, 2009.

BACKGROUND

On October 30, 2008, the present application was filed as a continuation application of U.S. patent application 10/490,920 (filed on March 26, 2004), which was in turn a national stage application of PCT/EP02/10899, filed on September 27, 2002. Because the application was filed under 35 USC 111(a), it is entitled to consideration under U.S. restriction practice.

The present application was filed with 19 claims, including claims 1 and 3.

On October 15, 2009, the Examiner issued a Requirement for Restriction ("Requirement") requiring an election of one of elective Groups I-IX. Of these Groups, each of Groups I-IV included claims 1 and 3. Groups I-IV were set forth as follows:

- I. Claims 1-4 and 8-13, drawn to an isolated polynucleotide molecule comprising a nucleotide sequence of an infectious human endogenous retrovirus, which sequence is or is complementary to a sequence which: (a) has at least 99% identity to SEQ ID NO: 1; (b) has 100% identity to a fragment of SEQ ID NO: 1, the fragment comprising at least 15 nucleotides of SEQ ID NO: 1 and including at least one of nucleotides 416, 602, 630, 639, 654, 738, 799, 802, 866, 945, 953, 972, 1149, 1348, 1413, 1642, 1653, 1668, 1701, 1989, 2068, 2087, 2090, 2097, 2100, 2124, 2163, 2198, 2238, 2253, 2273, 2305, 2313, 2330, 2461, 2501, 2502, 2543, 2554, 2590, 2654, 2659-2661, 2677, 2741, 2763, 2808, 2815, 2816, 2878, 2938, 2974, 3052, 3091, 3105, 3124, 3178, 3363, 3664, 3700, 4040, 4115, 4219, 4225, 4255, 4336, 4465, 4517, 4771, 4780, 5402, 5719, 6456, 6458, 6464, 6802, 7146, 7262, 7340, 7347, 7388, or 7436 of SEQ ID NO: 1; and/or (c)

comprises a sequence inserted into a vector pCR4-Topo and deposited as any of "MERV-env", "MERV-gag", "MERV-prt" and "MERV-pol" at the DSMZ on 26 September 2001 or a fragment of that sequence, wherein the fragment of SEQ ID NO: 1 comprises a sequence identical to SEQ ID NO: 2, classified in class 536, subclass 23.1.

- II. Claims 1-3, 5, and 8-13, drawn to an isolated polynucleotide molecule comprising a nucleotide sequence of an infectious human endogenous retrovirus, which sequence is or is complementary to a sequence which: (a) has at least 99% identity to SEQ ID NO: 1; (b) has 100% identity to a fragment of SEQ ID NO: 1, the fragment comprising at least 15 nucleotides of SEQ ID NO: 1 and including at least one of nucleotides 416, 602, 630, 639, 654, 738, 799, 802, 866, 945, 953, 972, 1149, 1348, 1413, 1642, 1653, 1668, 1701, 1989, 2068, 2087, 2090, 2097, 2100, 2124, 2163, 2198, 2238, 2253, 2273, 2305, 2313, 2330, 2461, 2501, 2502, 2543, 2554, 2590, 2654, 2659-2661, 2677, 2741, 2763, 2808, 2815, 2816, 2878, 2938, 2974, 3052, 3091, 3105, 3124, 3178, 3363, 3664, 3700, 4040, 4115, 4219, 4225, 4255, 4336, 4465, 4517, 4771, 4780, 5402, 5719, 6456, 6458, 6464, 6802, 7146, 7262, 7340, 7347, 7388, or 7436 of SEQ ID NO: 1; and/or (c) comprises a sequence inserted into a vector pCR4-Topo and deposited as any of "MERV-env", "MERV-gag", "MERV-prt" and "MERV-pol" at the DSMZ on 26 September 2001 or a fragment of that sequence, wherein the fragment of SEQ ID NO: 1 comprises a sequence identical to SEQ ID NO: 4, classified in class 536, subclass 23.1.
- III. Claims 1-3, 6, and 8-13, drawn to an isolated polynucleotide molecule comprising a nucleotide sequence of an infectious human endogenous retrovirus, which sequence is or is complementary to a sequence which: (a) has at least 99% identity to SEQ ID NO: 1; (b) has 100% identity to a fragment of SEQ ID NO: 1, the fragment comprising at least 15 nucleotides of SEQ ID NO: 1 and including at least one of nucleotides 416, 602, 630, 639, 654, 738, 799, 802, 866, 945, 953, 972, 1149, 1348, 1413, 1642, 1653, 1668, 1701, 1989, 2068, 2087, 2090, 2097, 2100, 2124, 2163, 2198, 2238, 2253, 2273, 2305, 2313, 2330, 2461, 2501, 2502, 2543, 2554, 2590, 2654, 2659-2661, 2677, 2741, 2763, 2808, 2815, 2816, 2878, 2938, 2974, 3052, 3091, 3105, 3124, 3178, 3363, 3664, 3700, 4040, 4115, 4219, 4225, 4255, 4336, 4465, 4517, 4771, 4780, 5402, 5719, 6456, 6458, 6464, 6802, 7146, 7262, 7340, 7347, 7388, or 7436 of SEQ ID NO: 1; and/or (c) comprises a sequence inserted into a vector pCR4-Topo and deposited as any of "MERV-env", "MERV-gag", "MERV-prt" and "MERV-pol" at the DSMZ on 26 September 2001 or a fragment of that sequence, wherein the fragment of SEQ ID NO: 1 comprises a sequence identical to SEQ ID NO: 5, classified in class 536, subclass 23.1.
- IV. Claims 1-3, 7, and 8-13, drawn to an isolated polynucleotide molecule comprising a nucleotide sequence of an infectious human endogenous retrovirus, which sequence is or is complementary to a sequence which: (a) has at least 99% identity to SEQ ID NO: 1; (b) has 100% identity to a fragment of SEQ ID NO: 1, the fragment comprising at least 15 nucleotides of SEQ ID NO: 1 and including at least one of nucleotides 416, 602, 630, 639, 654, 738, 799, 802, 866, 945, 953, 972, 1149, 1348, 1413, 1642, 1653, 1668, 1701, 1989, 2068, 2087, 2090, 2097, 2100, 2124, 2163, 2198, 2238, 2253, 2273, 2305, 2313, 2330, 2461, 2501, 2502, 2543, 2554, 2590, 2654, 2659-2661, 2677, 2741, 2763, 2808, 2815, 2816, 2878, 2938, 2974, 3052, 3091, 3105, 3124, 3178, 3363, 3664, 3700, 4040, 4115, 4219, 4225, 4255, 4336, 4465, 4517, 4771, 4780, 5402, 5719, 6456, 6458, 6464, 6802, 7146, 7262, 7340, 7347, 7388, or 7436 of SEQ ID NO: 1; and/or (c) comprises a sequence inserted into a vector pCR4-Topo and deposited as any of "MERV-env", "MERV-gag", "MERV-prt" and "MERV-pol" at the DSMZ on 26 September 2001 or a fragment of that sequence, wherein the fragment of SEQ ID NO: 1 comprises a sequence identical to SEQ ID NO: 3, classified in class 536, subclass 23.1.

It is noted that each of these Groups varies from the others by the identification of a different fragment from those presented in claim 3, which is itself dependent from claim 1.

The Requirement included the statement that "Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all of the limitations of an allowable generic claim as provided by 37 CFR 1.141."

On November 16, 2009, Applicants elected, without traverse, the claims drawn to Group I and made appropriate species elections. Response to Restriction Requirement of November 16, 2009. However, while not traversing the requirement of election among Groups I-IV, the Response did specifically note that claim 1 linked the inventions of Groups I-IV, and that they reserved the right to have the restriction requirement of these groups withdrawn upon the indication of allowability of a linking claim.

On January 22, 2010, the Examiner issued a first Non-Final Office action, which action set forth an objection to claim 3 for reading on non-elected subject matter.

On March 19, 2010, the Applicant submitted a first Amendment in response to the first Non-Final action arguing that the various inventions encompassed by claim 3 are linked by claim 1, and that they are retaining the non-elected subject matter in claim 3 for potential rejoinder upon indication of an allowable linking claim (claim 1).

The Examiner maintained the objection in each of the following Office actions of June 16 and September 27, 2010; with the Applicant arguing the presence of the linking claim in each response to those actions filed on September 16 and December 27, 2010.

The present Petition was filed along with the response of December 27, 2010. In the Petition, the Applicant asks for recognition of claim 1 as a generic linking claim, which recognition should have been included in the original Requirement according to MPEP 818.03(d).

DISCUSSION

The application, file history, and petition filed on August 30, 2010 to request review of the restriction requirement has been considered.

MPEP § 806.04(d) defines a generic claim as a claim that requires no material element additional to those required by the species claims, and wherein each of the species requires all of the limitations of the generic claim.

MPEP § 809 indicates that "There are a number of situations which arise in which an application has claims to two or more properly divisible inventions, so that a requirement to restrict the claims of the application to one would be proper, but presented in the same case are one or more claims (generally called "linking" claims) which, if allowable, would require rejoinder of the otherwise divisible inventions." This section of the MPEP also indicates that "The linking claims must be examined with, and thus are considered part of, the invention elected. When all claims directed to the elected invention are allowable, should any linking claim be allowable, the restriction requirement between the linked inventions must be withdrawn."

MPEP § 814 III indicates that "The generic or other linking claims should not be associated with any one of the linked inventions since such claims must be examined with the elected invention."

In the present case, the Requirement included each of claims 1 and 3 in the claim listing for each of Groups I-IV. The Examiner asserts that, by including each of these claims in each of Groups I-IV, it was indicated that these claims were not considered linking claims. See e.g., Action of September 2010, page 4. This is consistent with MPEP § 814 III.

However, the Examiner has nowhere provided any basis as to why claim 1 is not considered to be generic to the indicated inventive Groups.

Claim 3 sets forth the sequences on which the four Groups were based, SEQ ID NOs: 2-5. Claim 3 is a dependent claim from claim 1. This indicates that claim 1 meets the definitions of a linking claim as set forth in MPEP §§ 806.04(d) and 809. Therefore, on its face, claim 1 appears to be generic to each of the sequences of claim 3, and therefore to each of Groups I-IV.

Thus, while the Examiner may not have recognized claim 1 as a generic linking claim to Groups I-IV, the facts of the case indicate that the claim should have been so recognized. As such, the Examiner is obliged to consider the patentability of claim 1 under MPEP § 809, and would be required to withdraw the restriction among the inventions encompassed by this claim upon indication that the linking claim is allowable.

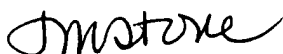
DECISION

For these reasons above, the petition under 37 C.F.R. 1.181 is GRANTED.

Claim 1 is a linking claim which will be examined according to MPEP §§ 809 and 818.03(d). If the linking claim becomes allowable, the restriction requirement will be withdrawn between the linked inventions, and the non-elected claims will be rejoined according to MPEP § 821.04(a).

The application will be forwarded to the examiner for consideration of the papers filed on 27 December 2010 and for preparation of an Office action consistent with this decision.

Should there be any questions regarding this decision, please contact Supervisory Patent Examiner Zachariah Lucas, by mail addressed to Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at (571) 272-1600 or by Official Fax at 703-872-9306.



Jacqueline Stone
Director, Technology Center 1600



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GIBSON & DERNIER, LLP
900 ROUTE 9 NORTH
SUITE 504
WOODBIDGE, NJ 07095

MAILED

JUN 15 2011

In re Application of
Hartley D. Peavey
Application No. 12/261,401
Filed: October 30, 2008
Attorney Docket No. 509/45

OFFICE OF PETITIONS

DECISION ON PETITION
TO WITHDRAW FROM
RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 10.40 filed May 6, 2011.

The request is **APPROVED**.

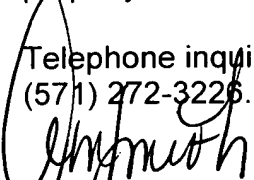
The request was signed by Matthew B. Dernier on behalf of himself and all attorneys/agents associated with Customer Number 27538. Therefore, Matthew B. Dernier and all the attorneys/agents associated with Customer Number 27538 have been withdrawn.

Applicant is reminded that there are no attorneys/agents of record at this time.

There is an outstanding Office action mailed on March 28, 2011, that requires a reply from the applicant.

All future communications from the Office will be directed to the intervening assignee who complied with the requirements of 37 CFR 3.73(b) at the address listed below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.


Andrea Smith
Petitions Examiner
Office of Petitions

cc: Peavey Electronics Corporation
5022 Hartley Peavey Drive
Meridian, MS 39305



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/261,401	10/30/2008	Hartley D. Peavey	509/45

27538
GIBSON & DERNIER LLP
900 ROUTE 9 NORTH
SUITE 504
WOODBIDGE, NJ 07095

CONFIRMATION NO. 4363
POWER OF ATTORNEY NOTICE



Date Mailed: 06/10/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/06/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amsmith/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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DEERE & COMPANY
ONE JOHN DEERE PLACE
MOLINE, IL 61265

MAILED
JAN 10 2011
OFFICE OF PETITIONS

In re Application of
Terry L. SNIPES, et al.
Application No. 12/261,454
Filed: October 30, 2008
Attorney Docket No. **18626-US**

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 11, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, January 12, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on April 13, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1620; and (3) an adequate statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

This application is being referred to Technology Center AU 3641 for appropriate action by the Examiner in the normal course of business on the reply received August 11, 2010.

Thurman K. Page
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110829

DATE : August 30, 2011

TO SPE OF : ART UNIT 3662

SUBJECT : Request for Certificate of Correction on Patent No.: 7986585

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

Certificates of Correction Branch - PK 3-910

Palm location **7590** - Tel. No. 305-8201

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments:

SPE: /Thomas H. Tarcza/

Art Unit 3662



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Alexandria, VA 22313-1450
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RICHARD R. MUCCINO
758 Springfield Avenue
Summit, NJ 07901

MAILED

AUG 30 2010

In re Application of
Gilbert Buchalter
Application No. 12/261,564
Filed: October 30, 2008
Attorney Docket No. PI1-003

OFFICE OF PETITIONS

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 23, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Richard R. Muccino on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Gilbert Buchalter at the address indicated below.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

A handwritten signature in black ink, appearing to read "Terri Johnson". The signature is fluid and cursive, with the first name "Terri" and last name "Johnson" clearly distinguishable.

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Gilbert Buchalter**
Pharmaceutical Innovations
897 Frelinghusen Avenue
Newark NJ 07114



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/261,564	10/30/2008	Gilbert Buchalter	PI1-003

CONFIRMATION NO. 4638

POWER OF ATTORNEY NOTICE



OC000000043267038

Date Mailed: 08/30/2010

41606
RICHARD R. MUCCINO
758 SPRINGFIELD AVENUE
SUMMIT, NJ 07901

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/23/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tsjohnson/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

RAJA SINGH TULI
SUITE 1130
555 RENE LEVES'QUE WEST
MONTREAL QC H2Z 1B1 CA CANADA

MAILED

JUL 15 2011

OFFICE OF PETITIONS

In re Application of	:	
Tuli	:	
Application No. 12/261,617	:	DECISION
Filed/Deposited: 30 October, 2008	:	
Attorney Docket No. LOWER_02	:	

This is a decision on the papers filed on 28 June, 2011, considered as a petition pursuant to 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

NOTE:

The regulations at 37 C.F.R. §1.23 provide:

37 C.F.R. §1.23 Method of payment.

(a) All payments of money required for United States Patent and Trademark Office fees, including fees for the processing of international applications (**§ 1.445**), shall be made in U.S. dollars and in the form of a cashier's or certified check, Treasury note, national bank notes, or United States Postal Service money order. If sent in any other form, the Office may delay or cancel the credit until collection is made. Checks and money orders must be made payable to the Director of the United States Patent and Trademark Office. (Checks made payable to the Commissioner of Patents and Trademarks will continue to be accepted.) Payments from foreign countries must be payable and immediately negotiable in the United States for the full amount of the fee required. Money sent to the Office by mail will be at the risk of the sender, and letters containing money should be registered with the United States Postal Service.

(b) Payments of money required for United States Patent and Trademark Office fees may also be made by credit card, except for replenishing a deposit account. Payment of a fee by credit card must specify the amount to be charged to the credit card and such other information as is necessary to process the charge, and is subject to collection of the fee. The Office will not accept a general authorization

Application No. 12/261,617

to charge fees to a credit card. If credit card information is provided on a form or document other than a form provided by the Office for the payment of fees by credit card, the Office will not be liable if the credit card number becomes public knowledge. (Emphasis supplied.)

Petitioner appears to have chosen not to comply with these requirements.

The petition pursuant to 37 C.F.R. §1.181 is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled “Renewed Petition pursuant to 37 C.F.R. §1.181.”

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

As to the Request to Withdraw
the Holding of Abandonment

Petitioner is directed to the Commentary at MPEP §711.03(c)(I) for guidance as to the proper showing requirements for relief pursuant to 37 C.F.R. §1.181.

Petitioner appears not to comply with the guidance in the Commentary at MPEP §711.03(c)(I)—as discussed below, Petitioner has failed to satisfy the showing requirements set forth there. Petitioner may find it beneficial to review that material and move step-wise through that guidance in the effort to satisfy the showing requirements (statements and supporting documentation).

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the Notice of Allowance/Allowability and Fees Due mailed on 7 March, 2011, with reply due under a non-extendable deadline on or before 7 June, 2011.

The application went abandoned after midnight 7 June, 2011.

The Office mailed the Notice of Abandonment on 20 June, 2011.

On 28 June, 2011, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.181—with an averment that he submitted payment by check. An examination of the copy of the document submitted by Petitioner reveals—despite the fact that Petitioner blacked out the bank routing number—clearly demonstrates that the bank on which the check was drawn was the “Bank of Montreal” (BMO), which is not a bank in the United States, and that the funds specified were not U.S. funds.

As noted above, the regulations at 37 C.F.R. §1.23 provide:

37 C.F.R. §1.23 Method of payment.

(a) All payments of money required for United States Patent and Trademark Office fees, including fees for the processing of international applications (§ 1.445), shall be made in U.S. dollars and in the form of a cashier's or certified check, Treasury note, national bank notes, or United States Postal Service money order. If sent in any other form, the Office may delay or cancel the credit until collection is made. Checks and money orders must be made payable to the Director of the United States Patent and Trademark Office. (Checks made payable to the Commissioner of Patents and Trademarks will continue to be accepted.) Payments from foreign countries must be payable and immediately negotiable in the United States for the full amount of the fee required. Money sent to the Office by mail will be at the risk of the sender, and letters containing money should be registered with the United States Postal Service.

(b) Payments of money required for United States Patent and Trademark Office fees may also be made by credit card, except for replenishing a deposit account. Payment of a fee by credit card must specify the amount to be charged to the credit card and such other information as is necessary to process the charge, and is subject to collection of the fee. The Office will not accept a general authorization to charge fees to a credit card. If credit card information is provided on a form or document other than a form provided by the Office for the payment of fees by credit card, the Office will not be liable if the credit card number becomes public knowledge. (Emphasis supplied.)

Petitioner appears to have chosen not to comply with these requirements. The Rules of Practice provide protections and benefits for applicants and practitioners, however, those protections and benefits are unavailable when those rules are not complied with/followed. The Office is not responsible for a Petitioner's choice not to comply with the Rules of Practice.

Thus, Petitioner has failed to satisfy the requirements under the Rule, and so has not satisfied the showing under the Rule.

The guidance in the Commentary at MPEP §711.03(c)(I) provides in pertinent part as to timely filing:

37 C.F.R. §1.10(c) through §1.10(e) and §1.10(g) set forth procedures for petitioning the Director of the USPTO to accord a filing date to correspondence as of the date of deposit of the correspondence as "Express Mail." A petition to withdraw the holding of abandonment relying upon a timely reply placed in "Express Mail" must include an appropriate petition under 37 C.F.R. §1.10(c), (d), (e), or (g) (see MPEP §513). When a paper is shown to have been mailed to the Office using the "Express Mail" procedures, the paper must be entered in PALM with the "Express Mail" date.

Similarly, applicants may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides *prima facie* evidence that the reply was timely filed. See MPEP §503. For example, if the application has been held abandoned for failure to file a reply to a first Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of abandonment should be withdrawn upon the filing of a petition to withdraw the holding of abandonment. When the reply is shown to have been timely filed based on a postcard receipt, the reply must be entered into PALM using the date of receipt of the reply as shown on the post card receipt.

Where a certificate of mailing under 37 C.F.R. §1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 C.F.R. 1.8(b) and MPEP §512. As stated in 37 C.F.R. §1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application). When the correspondence is shown to have been timely filed based on a certificate of mailing, the correspondence is entered into PALM with the actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 C.F.R. §1.8).

37 C.F.R. §1.8(b) also permits applicant to notify the Office of a previous mailing or transmission of correspondence and submit a statement under 37 C.F.R. §1.8(b)(3) accompanied by a duplicate copy of the correspondence when a reasonable amount of time (e.g., more than one month) has elapsed from the time of mailing or transmitting of the correspondence. Applicant does not have to wait until the application becomes abandoned before notifying the Office of the previous mailing or transmission of the correspondence. Applicant should check the private Patent Application Information

Retrieval (PAIR) system for the status of the correspondence before notifying the Office.
See MPEP §512.¹

A Petitioner unable to comply with and/or otherwise satisfy these requirements may wish to revive the application: Petitioner may wish to properly file a petition to the Commissioner requesting revival of an application abandoned due to unintentional delay under 37 C.F.R. §1.137(b). (See: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c)

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (*see*: 37 C.F.R. §1.181(f)), and those registered to practice and all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.²

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994). And the regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application.^{3, 4}

¹ See: MPEP §711.03(c) (I)(B).

² See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §11.18 (formerly 37 C.F.R. §10.18) to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

³ See: Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. at 53158-59 (October 10, 1997), 1203 Off. Gaz. Pat. Office at 86-87 (October 21, 1997).

⁴ The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition. (Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.) Delays in responding properly raise the question whether delays are unavoidable. Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) And the Petitioner must be diligent in attending to the matter. Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care. (By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.))

Moreover, the Office has set forth in the Commentary at MPEP §711.03(c)(I) the showing and timeliness requirements for a proper showing for relief under 37 C.F.R. §1.181 in these matters.

Decisions on reviving abandoned applications on the basis of “unavoidable” delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

The word ‘unavoidable’ . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.⁵

Allegations as to the Request to
Withdraw the Holding of Abandonment

The guidance in the Commentary at MPEP §711.03(c)(I) specifies the showing required and how it is to be made and supported.

Petitioner appears not to have made the showing required.

CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.181 is **dismissed**.

ALTERNATIVE VENUE

Should Petitioner wish to revive the application, Petitioner may wish to properly file a petition to the Commissioner pursuant to 37 C.F.R. §1.137(b) requesting revival of an application abandoned due to unintentional delay. (See: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c)

⁵ In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm’r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff’d, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm’r Pat. 139, 141 (1913). In addition, decisions on revival are made on a “case-by-case basis, taking all the facts and circumstances into account.” Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was “unavoidable.” Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

Application No. 12/261,617

A petition to revive on the grounds of unintentional delay must be filed promptly and such petition must be accompanied by the reply, the petition fee, a terminal disclaimer and fee where appropriate and a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional." (The statement is in the form available online.)

Petitioner is cautioned that the failure to file timely a petition pursuant to 37 C.F.R. §1.137(b) seeking to revive an application abandoned due to unintentional delay may be considered *indicia* of delay that is other than unintentional.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By facsimile: **(571) 273-8300**
 Attn: Office of Petitions

Application No. 12/261,617

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2⁶) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

⁶ The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

RAJA SINGH TULI
SUITE 1130
555 RENE LEVES'QUE WEST
MONTREAL QC H2Z 1B1 CA CANADA

MAILED

AUG 22 2011

OFFICE OF PETITIONS

In re Application of :
Tuli :
Application No. 12/261,617 : **DECISION**
Filed/Deposited: 30 October, 2008 :
Attorney Docket No. LOWER_02 :

This is a decision on the papers filed on 12 August, 2011, , for revival of an application abandoned due to unintentional delay pursuant to 37 C.F.R. §1.137(b).

The petition pursuant to 37 C.F.R. §1.137(b) is **GRANTED**.

As to the Allegations
of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement and/or showing of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c)(II).

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the Notice of Allowance/Allowability and Fees Due mailed on 7 March, 2011, with reply due under a non-extendable deadline on or before 7 June, 2011.

The application went abandoned after midnight 7 June, 2011.

The Office mailed the Notice of Abandonment on 20 June, 2011.

On 28 June, 2011, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.181—with an averment that he submitted payment by check. An examination of the copy of the document submitted by Petitioner reveals—despite the fact that Petitioner blacked out the bank routing number—clearly demonstrates that the bank on which the check was drawn was the “Bank of Montreal” (BMO), which is not a bank in the United States, and that the funds specified were not U.S. funds. The petition was dismissed on 15 July, 2011.

On 12 August, 2011, Petitioner filed a petition (with fee) pursuant to 37 C.F.R. §1.137(b) with a reply in the form of, *inter alia*, fees due, and made the statement of unintentional delay.

Petitioners’ attentions always are directed to the guidance in the Commentary at MPEP §711.03(c) as to the showing regarding unintentional delay and a petition pursuant to 37 C.F.R. §1.137(b).

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.¹

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to revive an application if the delay is shown to the satisfaction of the Commissioner to have been “unavoidable.” 35 U.S.C. §133 (1994).²

The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

Unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and, by definition, are not intentional.³))

¹ See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner’s duty of candor and good faith and accepting a statement made by Petitioner. See *Changes to Patent Practice and Procedure*, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

² 35 U.S.C. §133 provides:

35 U.S.C. §133 Time for prosecuting application.

Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

As to Allegations of
Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

It appears that the requirements under the rule have been satisfied.

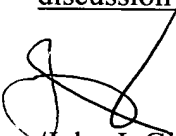
CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.137(b) is **granted**.

The instant application is released to the Publications Branch to be processed into a patent in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the Publications Branch in response to this decision. It is noted that all inquiries with regard to status need be directed to the Publications Branch where that change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2⁴) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

³ Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

⁴ The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/261,677	Filing date:	October 30, 2008
First Named Inventor:	Nagaraj Jayanth		
Title of the Invention:	COMPRESSOR SENSOR MODULE		
THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT HTTP://WWW.USPTO.GOV/EBS/EFBS_HELP.HTML			

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2008/012362

The international filing date of the corresponding PCT application(s) is/are: 10/31/2008

I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☐

Is attached.

☒

Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐

Is attached.

☒

Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12/261,677
First Named Inventor:	Nagaraj Jayanth

9

Is attached

☒

Has already been filed in the above-identified U.S. application on 2/9/2010 and 4/6/2011

1

Are attached.

☒

Have already been filed in the above-identified U.S. application on 2/9/2010 and 4/6/2011

[illegible]

Signature / Michael P. Doerr /	Date April 13, 2011
Name (Print/Typed) Michael P. Doerr	Registration Number 52,825

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/261,677	10/30/2008	Nagaraj Jayanth	0315-000609	4803

27572 7590 05/03/2011
HARNES, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER

SCHECHTER, ANDREW M

ART UNIT	PAPER NUMBER
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2857

MAIL DATE	DELIVERY MODE
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05/03/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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HARNESSE, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS MI 48303

In re Application of
JAYANTH et al.
Application No.: 12/261,677
Attorney Docket No.: 0315-000609
For: COMPRESSOR SENSOR
MODULE

: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on 13 April 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);
- (5) Examination of the U.S. application has not begun;
- (6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate

if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.



Lee W. Young
TQAS Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components



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DEC 20 2010

OFFICE OF PETITIONS

BRUCE E. WEIR
12 SPARROW VALLEY COURT
MONTGOMERY VILLAGE MD 20886-1265

In re Application of

Robert C. TAYLOR

Application No. 12/261,782

Filed: October 30, 2008

Attorney Docket No. 0281

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 30, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Bruce E. Weir on behalf of all the attorneys of record.

All the attorneys of record have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

Cc: ROBERT C. TAYLOR
1743 STAFFORD ROAD
COLUMBUS OH 43229



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/261,782	10/30/2008	Robert C. Taylor	0281

CONFIRMATION NO. 4987

POWER OF ATTORNEY NOTICE



Date Mailed: 12/20/2010

32366
BRUCE E. WEIR
12 SPARROW VALLEY COURT
MONTGOMERY VILLAGE, MD 20886-1265

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/30/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/dcgoodwyn/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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M.H.K.K.G., P.C. / ADOBE SYSTEMS INCORPORATED
ROBERT C. KOWERT
P.O. BOX 398
AUSTIN, TX 78767-0398

MAILED
APR 29 2011
OFFICE OF PETITIONS

In re Application of
Stephen J. Diverdi, et al.
Application No. 12/261,801
Filed: October 30, 2008
Attorney Docket No.: 6067-27400

DECISION GRANTING PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the petition, filed March 9, 2011, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen month publication country on October 30, 2009. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. §122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

- (1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
- (2) the petition fee as set forth in 37 CFR 1.17(m); and
- (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition is found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of July 28, 2011 accompanies this decision on petition.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3204.

This application is being forwarded to Technology Center Art Unit 2628.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

| ATTACHMENT: Notice Regarding Rescission of Nonpublication Request



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/261,801	10/30/2008	Stephen J. DiVerdi	6067-27400

65132
M.H.K.K.G., P.C. / ADOBE SYSTEMS INCORPORATED
Robert C. Kowert
P.O. BOX 398
AUSTIN, TX 78767-0398

CONFIRMATION NO. 5021
NONPUBLICATION RESCISSION
LETTER



Date Mailed: 04/20/2011

**Communication Regarding Rescission Of
Nonpublication Request and/or Notice of Foreign Filing**

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 07/28/2011.

If applicant rescinded the nonpublication request before or on the date of "foreign filing," then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282.

¹ Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

/sdbrinkley/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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**SCHLUMBERGER-DOLL RESEARCH
ATTN: INTELLECTUAL PROPERTY LAW DEPARTMENT
P.O. BOX 425045
CAMBRIDGE MA 02142**

**MAILED
JUN 16 2011
OFFICE OF PETITIONS**

In re Application of :
Brian CONSIDINE et al. : ON PETITION
Application No. 12/261,807 :
Filed: October 30, 2008 :
Atty. Docket No.: 60.1804 USCON :

This is a decision on the petition under 37 CFR 1.137(b), filed May 5, 2011, to revive the above-identified application.

The petition is **GRANTED**.

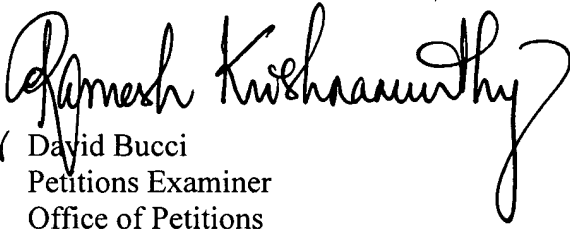
The application went abandoned for failure to reply in a timely manner to the final Office action mailed July 6, 2010, which set a shortened statutory period of reply of three (3) months. No reply was received. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. The application became abandoned October 7, 2010. A Notice of Abandonment was mailed February 4, 2011.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of a Request for Continued Examination (RCE) and RCE fee, and the submission required under 37 CFR 1.114, (2) a petition fee of \$1620, and (3) a statement of unintentional delay. The reply to the outstanding Office action is accepted as having been unintentionally delayed.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See In re Application of S.*, 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$1110 extension of time fee submitted with the petition on May 5, 2011 was subsequent to the maximum extendable period for reply, the fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquires regarding this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427).

The application file will be referred to Technology Center Art Unit 3676 for consideration of the submission under 37 CFR 1.114.


for David Bucci
Petitions Examiner
Office of Petitions



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FIALA & WEAVER P.L.L.C.
C/O CPA GLOBAL
P.O. BOX 52050
MINNEAPOLIS MN 55402

MAILED
MAR 27 2012
OFFICE OF PETITIONS

In re Application of :
Elias Nemer et al. :
Application No. 12/261,868 : **DECISION ON PETITION**
Filed: October 30, 2008 :
Attorney Docket No. **A05.00610001** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 7, 2012, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement, mailed June 30, 2011, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 31, 2011.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Election, (2) the petition fee of \$1,620, and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997); 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the

filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571)272-4584.

This application is being referred to Technology Center AU 2814 for appropriate action by the Examiner in the normal course of business on the reply received.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions



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BEUSSE WOLTER SANKS MORA & MAIRE, P. A.
390 NORTH ORANGE AVENUE
SUITE 2500
ORLANDO FL 32801

MAILED

JUL 21 2011

In re Application of	:	OFFICE OF PETITIONS
Scott Deans	:	
Application No. 12/261,888	:	DECISION ON PETITION
Filed: October 30, 2008	:	
Attorney Docket No. 10908-004	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 28, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement mailed December 22, 2010, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment and election, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay. Accordingly the election is accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272 -4618.

This application is being referred to Technology Center AU 3635 for appropriate action by the Examiner in the normal course of business on the reply received June 28, 2011.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



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MARSHALL, GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE
6300 WILLIS TOWER
CHICAGO IL 60606-6357

MAILED

DEC 08 2011

OFFICE OF PETITIONS

In re Patent No. 7,952,036	:	
Issue Date: May 31, 2011	:	
Application No. 12/261,908	:	DECISION ON PETITION
Filed: October 30, 2008	:	
Attorney Docket No. 19036/44324	:	

This is a decision on the petition under 37 CFR 1.182, filed October 05, 2011, requesting issuance of duplicate Letters Patent for the above-identified patent.

The petition is **GRANTED**.

The Office of Data Management is directed to issue duplicate Letters Patent.

As authorized, the \$400 fee for the petition under 37 CFR 1.182 has been assessed to petitioner's deposit account.

Telephone inquiries concerning this decision may be directed to Michelle R. Eason at (571) 272-4231. Inquiries regarding the issuance of duplicate Letters Patent may be directed to Ollie Person at (703) 756-1555 or Kimberly Terrell at (703) 756-1568 in the Office of Data Management.

A copy of this decision is being sent to Office of Data Management for issuance of duplicate Letters Patent.

Thurman K. Page
Petitions Examiner
Office of Petitions

cc: Ollie Person and Kimberly Terrell, Randolph Square, 9th Floor, Room D30-B (Fax No. (571) 270-9764 and (571) 270-9958).



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SCHWABE, WILLIAMSON & WYATT, P.C.
1420 FIFTH, SUITE 3400
SEATTLE WA 98101-4010

MAILED

OCT 19 2010

OFFICE OF PETITIONS

In re Application of	:	
Lepape et al.	:	DECISION ON PETITION
Application No. 12/261,912	:	TO WITHDRAW
Filed: October 30, 2008	:	FROM RECORD
Attorney Docket No. 109893-161595	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 29, 2010.

The request is **NOT APPROVED**.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

Therefore, as there is currently no Statement under 37 CFR 3.73(b) of record in the instant application, the Office cannot change the correspondence address to the address on the Request to Withdraw.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

Joan Olszewski
Petitions Examiner
Office of Petitions



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SCHWABE, WILLIAMSON & WYATT, P.C.
1420 FIFTH AVENUE, SUITE 3400
SEATTLE WA 98101-4010

MAILED

NOV 05 2010

OFFICE OF PETITIONS

In re Application of	:	
Lepape et al.	:	
Application No. 12/261,912	:	DECISION ON PETITION
Filed: October 30, 2008	:	TO WITHDRAW FROM RECORD
Attorney Docket No. 109893-161595	:	
	:	

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 25, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

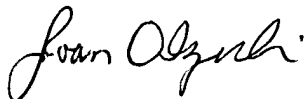
The request was signed by Al AuYeung on behalf of all attorneys of record who are associated with Customer Number 60172.

All attorneys/agents associated with the Customer Number 60172 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor at the address indicated below.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

A handwritten signature in cursive script, appearing to read "Joan Olszewski".

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Oliver V. Lepape
2 rue Antoine Roucher
Paris, FR 75016



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MAILED

JUL 27 2011

OFFICE OF PETITIONS

**KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834**

In re Application of

BHAT, et al

Application No. 12/261,968

Filed: October 30, 2008

Attorney Docket No. 026705-000710US

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:
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:
:

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 5, 2011.

The request is **DISMISSED**.

The request to withdraw from record cannot be approved because the request to change the correspondence address is not acceptable. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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MAILED

JUL 27 2011

OFFICE OF PETITIONS

**KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834**

In re Application of	:	
BHAT, et al	:	
Application No. 12/261,978	:	DECISION ON PETITION
Filed: October 30, 2008	:	TO WITHDRAW
Attorney Docket No. 026705-000810US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 5, 2011.

The request is **DISMISSED**.

The request to withdraw from record cannot be approved because the request to change the correspondence address is not acceptable. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED

SEP 22 2010

OFFICE OF PETITIONS

QUINE INTELLECTUAL PROPERTY LAW GROUP, P.C.
P.O. BOX 458
ALAMEDA, CA 94501

In re Application of :
Eric Brustad et al :
Application No. 12/262,025 : **DECISION ON PETITION**
Filed: October 30, 2008 :
Attorney Docket No. 54-003520US :

This is a decision on the petitions, filed July 26, 2010, which is being treated as petitions under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application and under 37 CFR 1.27(c) seeking status as a small entity.

The petition under 37 CFR 1.8(b) is **GRANTED**.

This application was held abandoned for failure to timely respond to the Office action of December 30, 2009, which set a shortened statutory period for reply of three (3) months. Three (3) month extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, a reply was due on or before June 30, 2010.


Office records show a timely reply was received July 1, 2010 (certificate of mailing June 29, 2010), which includes the amendment and the three (3) month extension of time. Petitioner has also submitted a copy of the previously mailed correspondence, which bears a certificate of mailing dated June 29, 2010.

The petition satisfies the requirements of 37 CFR 1.8(b). Accordingly, the holding of abandonment for failure to timely file a reply to the Office action of December 30, 2009 is hereby withdrawn and the application restored to pending status.

The petition under 37 CFR 1.27(c) is **GRANTED**.

The Verified Statement Claiming Small Entity Status of July 26, 2010 has been made of record and small entity status has been accorded.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3210. This application is being referred to Technology Center AU 1652 for appropriate action in the normal course of business on the reply received July 1, 2010.


Irvin Dingle
Petitions Examiner
Office of Petitions



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ABEL LAW GROUP, LLP
7300 FM 2222
Bldg 1, Ste 210
AUSTIN TX 78730

MAILED

DEC 20 2011

OFFICE OF PETITIONS

In re Application of :
Yves Stefani et al. :
Application No. 12/262,087 :
Filed: October 30, 2008 :
Attorney Docket No. 1035-OFS4810-B-US :

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 2, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to submit formal drawings in a timely manner in reply to the Notice of Allowability, mailed July 27, 2011, which set a period for reply of three (3) months. Accordingly, this application became abandoned on October 28, 2011. A Notice of Abandonment was mailed on November 15, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of corrected drawings, (2) the petition fee of \$1,860, and (3) a proper statement of unintentional delay. Accordingly, the corrected drawings are accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Office of Data Management for further processing into a patent.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/262,157	10/30/2008	Homer H. Chen	HMOP0075USA	5670
27765	7590	12/01/2011		
NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION P.O. BOX 506 MERRIFIELD, VA 22116				
			EXAMINER	
			ZARKA, DAVID PETER	
		ART UNIT	PAPER NUMBER	
		2624		
		NOTIFICATION DATE	DELIVERY MODE	
		12/01/2011	ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Patent.admin.uspto.Rcv@naipo.com
mis.ap.uspto@naipo.com



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NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION
P.O. BOX 506
MERRIFIELD VA 22116

In re Application of
CHEN, HOMER H., *at el*
Serial No.: 12262157
Filed: January 22, 2009

:
:
:
:
: *DECISION ON PETITION*
: *ACCEPTANCE OF COLOR DRAWINGS*

For:

**SYSTEMS, METHODS, AND COMPUTER-READABLE MEDIA FOR CHANGING
COLORS OF DISPLAYED ASSETS**


This is a decision on the petition under 37 CFR §1.184(a)(2), filed January 22, 2009 requesting acceptance of color drawings.

The petition requests that the color drawings identified in FIGS.6-7 be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. §1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition is GRANTED.


Wellington Chin
Quality Assurance Specialist
Technology Center 2600
Communications

SCORE Placeholder Sheet for IFW Content

Application Number: **12262157**

Document Date: **01/22/2009**

The presence of this form in the IFW record indicates that the following document type was received in paper and is scanned and stored in the SCORE database.

- Drawings

Images of the original documents are scanned in gray scale or color and stored in SCORE. Bi-tonal images are also stored in IFW. Defects visible in both IFW and SCORE are indicative of defects in the original paper documents.

To access the documents in the SCORE database, refer to instructions developed by SIRA.

At the time of document entry (noted above):

- Examiners may access SCORE content via the eDAN interface.
- Other USPTO employees can bookmark the current SCORE URL (<http://es/ScoreAccessWeb/>).
- External customers may access SCORE content via the Public and Private PAIR interfaces.

Form Revision Date: December 8, 2006

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (03-11)

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: **1-50366** Application Number (if known): **12/262164** Filing date: **2008/10/30**

First Named Inventor: **Karl D. Bishop, et al.**

Title: **STRUCTURE FOR MOLECULAR SEPARATIONS**

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Amendment and Statement Of Special Status

Signature /Gary M. Sutter/

Date **04-15-2011**

Name (Print/Typed) **Gary M. Sutter**

Registration Number **31574**

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.



*Total of 1 forms are submitted.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**Instruction Sheet for
Petition to Make Special Under the Green Technology Pilot Program**
(Not to be Submitted to the USPTO)

The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at http://www.uspto.gov/patents/init_events/green_tech.jsp):

- (1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.
- (2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- (3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- (4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- (5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- (6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/262,164	10/30/2008	Karl D. Bishop	1-50366	5690
4859 7590 05/25/2011 MACMILLAN SOBANSKI & TODD, LLC ONE MARITIME PLAZA FIFTH FLOOR 720 WATER STREET TOLEDO, OH 43604-1619			EXAMINER NGUYEN, COLETTE B	
			ART UNIT 1732	PAPER NUMBER
			MAIL DATE 05/25/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Best Available Copy



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MACMILLAN SOBANSKI & TODD, LLC
ONE MARITIME PLAZA FIFTH FLOOR
720 WATER STREET
TOLEDO OH 43604-1619

MAY 25 2011

In re Application of	:	
Bishop et al.	:	DECISION ON PETITION
Application No. 12/262,164	:	TO MAKE SPECIAL UNDER
Filed: 10/30/2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. 1-50366	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 4/15/2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by

a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item(s) 4.

Applicants argue that the instant membrane will have the ability to provide energy efficient purification of alternate fuels from biomass, as well as purification of water produced during oil and gas exploration. The instant claims however are merely directed to a method for making a structure for molecular separations and a molecular sieve. There is no mention of energy efficient purification of alternate fuels from biomass, or purification of water produced during oil and gas exploration in the instantly claimed invention. The instant specification does not specifically disclose the embodiments argued but rather discloses general uses of the molecular sieves that include numerous different embodiments such as use in the oil and petrochemical industries. The materiality standard does not permit an applicant to speculate how an end user might specifically apply the invention in a manner that could materially contribute to (1) materially enhancing the quality of the environment or materially contributing to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1732 for action in its regular turn.

/Tom Dunn/

Tom Dunn
Quality Assurance Specialist
Technology Center 1700



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/262,173	10/30/2008	Naoki KATO	XA-11212/T3663-15823US01	5708

7590 04/12/2012
MILES & STOCKBRIDGE PC
1751 PINNACLE DRIVE
SUITE 500
MCLEAN, VA 22102-3833

EXAMINER

PEYTON, TAMMARA R

ART UNIT	PAPER NUMBER
----------	--------------

2184

NOTIFICATION DATE	DELIVERY MODE
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04/12/2012

ELECTRONIC

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)
The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

- ☒ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
- ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
- ☐ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
- ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.


Patent Publication Branch
Office of Data Management



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IP & T GROUP LLP
7700 Little River Turnpike
Suite 207
Annandale VA 22003

In re Application of
HA, SUNG-JOO

Application No.: 12/262,269

Filing or 371(c) Date: October 31, 2008

Attorney Docket Number: P07H7026/US

MAR 29 2011

:
: DECISION ON
: PETITION
:

This is a decision on the Petition to Withdraw Holding of Abandonment received in the United States Patent and Trademark Office (USPTO) on February 2, 2011.

This petition is **GRANTED**.

The application was held abandoned for failure to timely submit the Issue Fee and Publication fee as required by the Notice of Allowance mailed October 15, 2010 which set forth a three (3) month statutory period of reply. The Notice of Abandonment was mailed on January 28, 2011.

Petitioner states that the issue fee transmittal and payment were timely filed via the USPTO on January 18, 2011. Petitioner submitted a copy of the original submission which included a properly completed Certificate of Mailing/Transmission which included a deposit account.

In view of the foregoing, the holding of abandonment for failure to timely pay the issue fee is hereby withdrawn and the application restored to pending status.

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 756-1547.

Kay D. Pinkney
Application Assistance Unit
Office of Data Management



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IP & T GROUP LLP
7700 Little River Turnpike
Suite 207
Annandale, VA 22003

MAILED
APR 08 2011
OFFICE OF PETITIONS

In re Application of Sung-Joo Ha	:	
Application No. 12/262,269	:	Decision on Petition
Filing Date: October 31, 2008	:	
Attorney Docket No. P07H7026/US	:	

This is a decision on the petition under 37 CFR 1.181 filed February 2, 2011, requesting the Office withdraw the holding of abandonment.

The petition is **granted**.

The Office mailed a Notice of Allowance on October 15, 2010. The notice required the submission of \$1,510 for the issue fee and \$300 for the publication fee.

The Notice of Allowance set a time period for reply of three months. As a result, the fees were due on or before January 18, 2010.¹

The Office's file for the instant application includes an issue fee transmittal form received by facsimile transmission on January 18, 2011. The transmittal form indicates payment of the fees is being submitted by credit card. The form includes the following language added by the Office after receipt of the form: "The PTO did not receive the following listed item(s) credit card payment form."

The Office mailed a Notice of Abandonment on January 28, 2011. The notice states the application is abandoned because the Office failed to receive the issue fee and publication fee.

A review of the issue fee transmittal form indicates the form includes an authorization to charge any necessary fees to Deposit Account No. 50-5025. Therefore, the issue fee and publication were timely received by the Office and the holding of abandonment is hereby withdrawn.

The Office of Data Management, Patent Publication Branch, will be informed of the instant decision and the application will be issued as a patent in due course.

¹ January 15, 2011, was a Saturday. January 16, 2011, was a Sunday. January 17, 2011, was a federal holiday.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

A handwritten signature in black ink, appearing to read 'Charles Brantley', written in a cursive style.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions



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KATHERINE N. ADDISON
965 ALVARADO, ST #3
SAN FRANCISCO, CA 94114

MAILED

AUG 17 2010

In re Application of

John Thao To

Application No. 12/262,409

Filed: October 31, 2008

Attorney Docket No. SVTI003N

**OFFICE OF PETITIONS
DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed July 16, 2010.

The request is **NOT APPROVED**.

The Office will no longer approve requests from practitioners to withdraw from application where the requesting practitioners is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34. In these situations, the practitioner is responsible for the correspondence the practitioner files in the application while acting in a representative capacity. As such, there is no need for the practitioner to obtain the Office's permission to withdraw from representation. However, practitioners acting in a representative capacity, like practitioners who have power of attorney in the application, remain responsible for noncompliance with 37 CFR 1.56, as well as 37 CFR 10.18, with respect to the documents they file.

A review of the file record indicates that Katherine N. Addison does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the above-listed address until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: JOHN THAO TO
FOUNDER & CEO
SPECIALIZED VASCULAR TECHNOLOGIES, INC.
36514 DIJON DR
NEWARK, CA 95460



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P.O. Box 1450

VERTEX PHARMACEUTICALS INC.
Susan Batty-Gunn
130 WAVERLY STREET
CAMBRIDGE MA 02139-4242

MAILED
NOV 02 2011
OFFICE OF PETITIONS

In re Application of :
Juan-Miguel JIMENEZ et al. : **ON PETITION**
Application No.12/262,459 :
Filed: October 31, 2008 :
Atty. Docket No.: VPI/07-148 US :

This is a decision on the petition under 37 CFR 1.137(b), filed October 18, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to respond in a timely manner to the Notice of Allowance and Fee(s) Due mailed June 27, 2011 (Notice), which set a statutory period for reply of three (3) months. The application became abandoned September 28, 2011. A Notice of Abandonment was mailed October 12, 2011.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of a payment of the issue and publication fees in accordance with the Notice mailed June 27, 2011, (2) a petition fee of \$1860, and (3) a statement of unintentional delay. The reply to the Notice is accepted as having been unintentionally delayed.

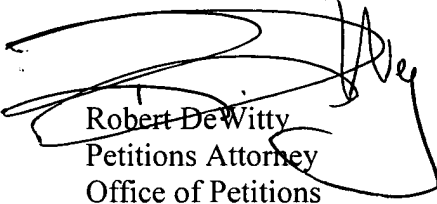
37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. If the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement contained in the instant petition is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this

decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries relating to this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427).

The application will be referred to Office of Data Management for further processing.



Robert DeWitty
Petitions Attorney
Office of Petitions

cc: Vertex Pharmaceuticals Incorporated
88 Milton Park
Abingdon, Oxfordshire OX14 4RY U.K.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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VERTEX PHARMACEUTICALS INC.
SUSAN BATTY-GUNN
130 WAVERLY STREET
CAMBRIDGE, MA 02139-4242

MAILED

NOV 14 2011

OFFICE OF PETITIONS

In re Application of
Juan-Miguel Jimenez, et al.
Application No.: 12/262,459
Filed: October 31, 2008
Attorney Docket No.: VPI/07-148 US

ON PETITION

This is a decision on the petition, filed November 10, 2011, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on October 18, 2011, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 1625 for further processing of the request for continued examination and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: RORY C. STEWART
VERTEX PHARMACEUTICALS INCORPORATED
88 MILTON PARK
ABINGDON, OXFORDSHIRE OX14 4RY U.K.

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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BANNER & WITCOFF, LTD
ATTORNEYS FOR CLIENT NUMBER
007131
10 SOUTH WACKER DR.
SUITE 3000
CHICAGO IL 60606

MAILED

AUG 22 2011

OFFICE OF PETITIONS

In re Application of	:	
Nichols et al.	:	DECISION ON
Patent Number: 7,965,184	:	PETITION FOR
Issue Date: 06/21/2011	:	PATENT TERM ADJUSTMENT
Application No. 12/262502	:	and
Filing or 371(c) Date: 10/31/2008	:	NOTICE OF INTENT TO ISSUE
Attorney Docket Number: 007131.00306	:	CERTIFICATE OF CORRECTION

This is a decision on the petition filed on July 22, 2011, which is being treated as a petition under 37 CFR 1.705(d), requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by two hundred eighty (280) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by two hundred eighty (280) days is **GRANTED**.

Regarding the period of adjustment of 54 days in connection with the filing of the Information Disclosure Statement filed April 29, 2011, a review of the application history confirms that the Office mailed a response to the IDS on May 10, 2011, and the reduction pursuant to 37 CFR 1.704(c)(10) is properly calculated at 12 days, beginning on the date the IDS was filed, and ending on the mailing date of the Office action in response to the IDS.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under

35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the Certificate of Corrections Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **two hundred eighty (280) days**.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,965,184 B1

DATED : June 21, 2011

INVENTOR(S) : Nichols et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 238 days.

Delete the phrase "by 238 days" and insert – by 280 days--

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 03-02-12

TO SPE OF : ART UNIT 3691

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/262533 Patent No.: 8027897

CofC mailroom date: 02-19-12

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

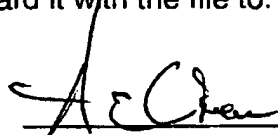
Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square - 9D10-A
Palm Location 7580

Note: _____


Angela Green 571.272.9005
CofC Branch 703-756-1814

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

SPE  **Art Unit** 3691



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PLUMSEA LAW GROUP, LLC
10411 MOTOR CITY DRIVE
SUITE 320
BETHESDA MD 20817

MAILED

JUN 21 2011

OFFICE OF PETITIONS

Applicant: Xue Bai
Appl. No.: 12/262,601
Filing Date: October 31, 2008
Title: SYSTEM AND METHOD FOR COLLECTING AND CONVEYING POINT OF
INTEREST INFORMATION
Attorney Docket No.: 48-1250
Pub. No.: US 2010/0114478 A1
Pub. Date: May 6, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on November 1, 2010, for the above-identified application

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error on the front page of the application wherein the name of the assignee was omitted.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed **within two months** from the date of the patent application publication. **This period is not extendable.**" A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

The request for corrected publication received on November 1, 2010, was not timely filed under 37 CFR 1.221(b).

The error on the front page of the published patent application wherein the assignee's name "Honda Motor Co., Ltd., Tokyo, Japan" was omitted is not a material Office error under 37 CFR 1.221(b). The omission of the assignee's name does not affect the understanding of the application. The error in assignment information is not a material mistake because it does not affect the public's ability to appreciate the technical disclosure of the patent application

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

publication, to determine the scope of the patent application publication or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. See MPEP 1130. Applicant should not file requests for corrected publication when a publication includes errors in the assignee's name or assignment information. See MPEP 1130.

The application data sheet (ADS) submitted on January 21, 2009 does not comply with 37 CFR 1.76(c) for supplemental application data sheets.

On January 20, 2008 and January 29, 2009, Filing Receipts were mailed by the Office, which omitted the assignee's name. To avoid this type of problem in the future, applicant's representative should correct the error and make a request for a corrected filing receipt prior to export of the application to the publisher and publication of the application.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

<http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp>

OR

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.



Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DUANE MORRIS LLP - Philadelphia
IP DEPARTMENT
30 SOUTH 17TH STREET
PHILADELPHIA PA 19103-4196

MAILED

OCT 26 2011

OFFICE OF PETITIONS

In re Patent No. 8,057,473
Issued: 11/15/2011
Application No. 12/262,628
Filed: 10/31/2008
Attorney Docket No. E3383-00093

:
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:
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NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed October 7, 2011.

The Office no longer investigates or rejects original or reissue patent under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3211.

C. Y. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
600 GALLERIA PARKWAY, S.E.
STE 1500
ATLANTA GA 30339-5994

MAILED

APR 06 2011

In re Application of
Gordon Bremer et al.
Application No. 12/262,657
Filed: October 31, 2008
Attorney Docket No. 050131-1010

OFFICE OF PETITIONS
DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 20, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by an attorney on behalf inventor Gordon Bremer attesting to his/her age. The above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 2617 for action on the merits commensurate with this decision.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 1/30/12

TO SPE OF : ART UNIT: 1643

SUBJECT : Request for Certificate of Correction for Appl. No.: 12/262,729 Patent No. 8,029,780

CofC mailroom date 1/19/12

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Ernest C. White, LIE

Certificates of Correction Branch
 703-756-1814 _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes do not apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____


 SPE

1643
 Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MEADWESTVACO CORPORATION
ATTN: IP LAW GROUP - PATENTS
501 South 5th Street, 3rd Floor
Richmond, VA 23219-0501

MAILED

NOV 22 2011

OFFICE OF PETITIONS

In re Application of	:	
Caleb Loftin, et. al.	:	
Application No. 12/262,770	:	DECISION ON PETITION
Filed: October 31, 2008	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 21015-1	:	

This is a decision on the petition under 37 CFR 1.78(a)(6), filed November 3, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of the prior-filed provisional application set forth in the amendment filed with the present petition.

The petition is **GRANTED**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000.¹ Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

- (1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 119(e) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed provisional application, is enclosed with this decision.

The application is being forwarded to Technology Center Art Unit 3788 for consideration by the examiner of the claim under 35 U.S.C. §119(e) for the benefit of priority to the prior-filed provisional application.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3226. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.



Andrea Smith
Petitions Examiner
Office of Petitions

Enclosure: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY DOCKET NO	TOT CLAIMS	IND CLAIMS
12/262,770	10/31/2008	3788	1090	21015-1	14	3

CONFIRMATION NO. 6828

CORRECTED FILING RECEIPT



0000000051078377

66061
MEADWESTVACO CORPORATION
ATTN: IP LAW GROUP - PATENTS
501 South 5th Street, 3rd Floor
Richmond, VA 23219-0501

Date Mailed: 11/21/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Caleb Loftin, Raleigh, NC;
William Rigby, Spring Hope, NC;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/984,274 10/31/2007

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

If Required, Foreign Filing License Granted: 11/14/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/262,770**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

CHILD RESISTANT BLISTER PACKAGE HOUSING WITH REMOVABLE TAB STRIPS

Preliminary Class

206

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER**Title 35, United States Code, Section 184****Title 37, Code of Federal Regulations, 5.11 & 5.15****GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No.

E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1122B
4417 LANCASTER PIKE
WILMINGTON DE 19805

MAILED

JUL 01 2011

OFFICE OF PETITIONS

In re Application of	:	
Levit et al.	:	
Application No. 12/262,778	:	DECISION ON PETITION
Filed: October 31, 2008	:	PURSUANT TO
Attorney Docket Number:	:	37 C.F.R. § 1.181
TK4620USNA	:	
Title: BROADBAND PASSIVE	:	
DISTRIBUTED TUNED VIBRATION AND	:	
ACOUSTIC ABSORBER FOR MODALLY	:	
DENSE STRUCTURES	:	

This is a decision on the petition filed on May 26, 2011, pursuant to 37 C.F.R. § 1.181, requesting that the holding of abandonment in the above-identified application be withdrawn.

This petition is **DISMISSED**.

BACKGROUND

A Notice of Allowance and Issue Fee Due (first notice) was mailed on February 2, 2011, which set a three-month period for the submission of the issue and publication fees. No extensions of time are permitted for transmitting issue fees¹ or publication fees.²

Regarding the first notice, the Notice of Allowability correctly indicated that claims 3, 17, 23, 27, and 29 were allowed, however the Detailed Action erroneously indicated that claims 3, 17, 27, and 29 were allowed. It follows that on March 22, 2011, a Supplemental Notice of Allowability (second notice) was mailed, where both the Supplemental Notice of Allowability and the Detailed Action correctly indicated that claims 3, 17, 23, 27, and 29 were allowed.

¹ See MPEP § 710.02(e)(III).

² See 37 C.F.R. § 1.211(e).

The Office set **one deadline for submitting the issue and publication fees:** the first notice set a non-extendable period for submitting both the issue and publication fees by May 2, 2011. **The second notice did not restart this period.** The mailing of the second notice did not affect the deadline for the submission of the issue and publication fees that had been set by the first notice.

The issue and publication fees were not received prior to May 3, 2011. Accordingly, the above-identified application became abandoned on May 3, 2011. A Notice of Abandonment was mailed on May 20, 2011.

RELEVANT LAW AND PORTIONS OF THE C.F.R.

35 U.S.C. 151 Issue of patent.

If it appears that applicant is entitled to a patent under the law, a written notice of allowance of the application shall be given or mailed to the applicant. The notice shall specify a sum, constituting the issue fee or a portion thereof, which shall be paid within three months thereafter.

Upon payment of this sum the patent shall issue, but if payment is not timely made, the application shall be regarded as abandoned.

Any remaining balance of the issue fee shall be paid within three months from the sending of a notice thereof, and, if not paid, the patent shall lapse at the termination of this three-month period. In calculating the amount of a remaining balance, charges for a page or less may be disregarded.

If any payment required by this section is not timely made, but is submitted with the fee for delayed payment and the delay in payment is shown to have been unavoidable, it may be accepted by the Director as though no abandonment or lapse had ever occurred.

37 C.F.R. § 1.134: Time period for reply to an Office action.

An Office action will notify the applicant of any non-statutory or shortened statutory time period set for reply to an Office action. Unless the applicant is notified in writing that a reply is required in less than six months, a maximum period of six months is allowed.

37 C.F.R. § 1.135: Abandonment for failure to reply within time period.

(a) If an applicant of a patent application fails to reply within the time period provided under § 1.134 and § 1.136, the application will become abandoned unless an Office action indicates otherwise.

(b) Prosecution of an application to save it from abandonment pursuant to paragraph (a) of this section must include such

complete and proper reply as the condition of the application may require. The admission of, or refusal to admit, any amendment after final rejection or any amendment not responsive to the last action, or any related proceedings, will not operate to save the application from abandonment.

(c) When reply by the applicant is a bona fide attempt to advance the application to final action, and is substantially a complete reply to the non-final Office action, but consideration of some matter or compliance with some requirement has been inadvertently omitted, applicant may be given a new time period for reply under § 1.134 to supply the omission.

ANALYSIS

With the present petition, Petitioner has asserted that "the deadline for the issue and publication fees should be June 22, 2011," which is the three-month anniversary of the mailing of the second notice.

While the Office is not unmindful of Petitioner's situation, the fact remains that, as set forth above, the second notice did not reset the period for responding to the first notice.

Petitioner failed to submit the issue and publication fees in a timely manner, and as such, this application went abandoned by operation of law, pursuant to 35 U.S.C. § 151 and 37 C.F.R. § 1.135, cited above.

Moreover, the first notice indicated the period for response. The second notice indicated "[i]f not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course." In this instance, the Notice of Allowance (PTOL-85) was "previously mailed" such that a new Notice should not have been expected. The time frame for reply given in that previously mailed Notice (the first notice) governs, regardless of the circumstances presented in the supplemental notice (the second notice).

It follows that the record does not support a finding that the holding of abandonment should be withdrawn.

CONCLUSION

Any reply to this decision must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted.

The reply should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. § 1.181(a)." This is not a final agency action within the meaning of 5 U.S.C § 704.

Petitioner may also file a petition pursuant to 37 C.F.R.

§§ 1.137(a) and/or (b), which may be filed independently or concurrently with any renewed petition pursuant to 37 C.F.R. § 1.181.

Any submission in response to this decision should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail,³ hand-delivery,⁴ or facsimile.⁵ Registered users of EFS-Web may alternatively submit a response to this decision via EFS-Web.⁶

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.⁷ All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

3 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

4 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.

5 (571) 273-8300: please note this is a central facsimile number.

6 <https://sportal.uspto.gov/authenticate/authenticateuserlocalepf.html>

7 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).



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AUG 23 2011

Paper No.

OFFICE OF PETITIONS

E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1122B
4417 LANCASTER PIKE
WILMINGTON DE 19805

In re Application of	:	
Levit et al.	:	
Application No. 12/262,778	:	DECISION ON PETITION
Filed: October 31, 2008	:	PURSUANT TO
Attorney Docket Number:	:	37 C.F.R. § 1.137(B)
TK4620USNA	:	
Title: BROADBAND PASSIVE	:	
DISTRIBUTED TUNED VIBRATION AND	:	
ACOUSTIC ABSORBER FOR MODALLY	:	
DENSE STRUCTURES	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed July 26, 2011, to revive the above-identified application.

This petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

A Notice of Allowance and Issue Fee Due (first notice) was mailed on February 2, 2011, which set a three-month period for the submission of the issue and publication fees. No extensions of time are permitted for transmitting issue fees¹ or publication fees.²

Regarding the first notice, the Notice of Allowability correctly indicated that claims 3, 17, 23, 27, and 29 were allowed, however the Detailed Action erroneously indicated that claims 3, 17, 27, and 29 were allowed. It follows that on March 22, 2011, a Supplemental Notice of Allowability (second notice) was mailed, where both the Supplemental Notice of Allowability and the Detailed Action correctly indicated that claims 3, 17, 23, 27, and 29 were allowed.

¹ See MPEP § 710.02(e) (III).

² See 37 C.F.R. § 1.211(e).

Decision on Petition pursuant to 37 C.F.R. § 1.137(b)

The Office set one deadline for submitting the issue and publication fees: the first notice set a non-extendable period for submitting both the issue and publication fees by May 2, 2011. The second notice did not restart this period. The mailing of the second notice did not affect the deadline for the submission of the issue and publication fees that had been set by the first notice.

The issue and publication fees were received on May 26, 2011, which was subsequent to May 2, 2011. Accordingly, the above-identified application became abandoned on May 3, 2011. A Notice of Abandonment was mailed on May 20, 2011.

A petition pursuant to 37 C.F.R. § 1.181 was filed on May 26, 2011, and was dismissed via the mailing of a decision on July 1, 2011.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Applicant has submitted the petition fee and the proper statement of unintentional delay. As such, requirements one through three of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.³

It is noted that Petitioner has also submitted duplicate payments of the issue and publication fees. These duplicate payments have been refunded to Deposit Account No. 04-1928.

³ See Rule 1.137(d).

Decision on Petition pursuant to 37 C.F.R. § 1.137(b)

The Office of Patent Publication will be notified of this decision so that the present application can be processed into a patent.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by the Office of Patent Publication in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Office of Patent Publication where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.⁴ All other inquiries concerning the status of the application should be directed to the Office of Patent Publication at 571-272-4200.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

⁴ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.



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MOTOROLA SOLUTIONS, INC.
IP Law Docketing
1303 EAST ALGONQUIN ROAD
IL01/11th Floor
SCHAUMBURG IL 60196

MAILED
NOV 10 2011
OFFICE OF PETITIONS

In re Application of
Liang GUO et al.
Application No. 12/262,786
Filed: October 31, 2008
Attorney Docket No. CM12322

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:

ON PETITION

This is a decision on the petition under 37 CFR 1.59(b), filed August 26, 2011, requesting that the Amendment submitted with Papers filed on August 26, 2011 as EFS ID No. 10827893 be expunged.

The petition is **DISMISSED AS MOOT.**

Petitioner requests that the Amendment submitted with Papers filed on August 26, 2011 in the above-identified application be expunged as it was incorrectly submitted herein.

MPEP 502 states:

A minor error in the identification of the application can be corrected by the Office provided the correct information identification can be quickly discovered. Examples of minor errors are transposed number, typographical errors, and listing the parent application number.

MPEP 724.05(III) states:

Where the Office can determine the correct application file that the papers were actually intended for, based on identifying information in the heading of the papers (e.g. application number, filing date, title of invention and inventor(s) name(s)), the Office will transfer the papers to the correct application file for which they were intended without the need of a petition.

The Amendment submitted with Papers received in above-identified application on August 26, 2011 was filed by EFS-Web in an incorrect application, however, it was filed with the correct application serial number, attorney docket number, title of invention, and inventor's name. Accordingly, the papers provided enough identifying indicia for the Office to transfer the papers to the correct application file.

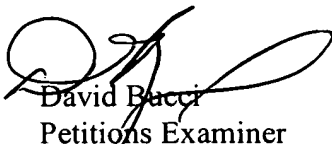
In a paper file, the unintentionally submitted exhibits could, but not necessarily would, have been physically removed from the file wrapper and returned to applicant. In the IFW realm the corresponding action(s) is to close the document and also remove such from the listing of "Public[ly available] Documents." It is agreed that it would be appropriate in this instance to close the information that was erroneously filed in the above identified application, and also remove such from the listing of publicly available documents for this image File Wrapper (IFW).

In view of the above, the papers filed August 26, 2011 as EFS ID No. 10827893, having already been filed in the correct application are closed and removed from the listing of "Public[ly available] Documents."

The previously submitted fee of \$130 for a one (1) month extension of time filed with the above-identified application was timely filed in the correct application. Accordingly, the duplicate \$130 extension of time fee is being refunded to Petitioner's Deposit Account No. 50-2117.

Telephone inquiries concerning this decision should be directed to Wilson Lee at (571) 272-1824 or in his absence, the undersigned at (571) 272-7099.

The application file is being referred to the Technology Center AU 2493 for further processing.



David Bacci
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : April 18,2011

In re Application of :

Richard Crosby

Application No : 12262845

Filed : 31-Oct-2008

Attorney Docket No : F-9109

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed April 18,2011

The request is **APPROVED**.

The request was signed by Laurence A. Greenberg (registration no. 29308) on behalf of all attorneys/agents associated with Customer Number 24131 . All attorneys/agents associated with Customer Number 24131 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name Richard
Name2 Crosby
Address 1 P.O. Box 417
Address 2
City Big Pine Key
State FL
Postal Code 33043
Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	12262845	
Filing Date	31-Oct-2008	
First Named Inventor	Richard Crosby	
Art Unit	2425	
Examiner Name	FERNANDO ALCON	
Attorney Docket Number	F-9109	
Title	Broadcast Television Distribution Services Architecture	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		24131 <hr/>
The reason(s) for this request are those described in 37 CFR: 10.40(c)(1)(iv) 10.40(b)(c)(1)(vi)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Richard Crosby	
Address	P.O. Box 417	
City	Big Pine Key	
State	FL	
Postal Code	33043	

Country	US
I am authorized to sign on behalf of myself and all withdrawing practitioners.	
Signature	/Laurence A. Greenberg/
Name	Laurence A. Greenberg
Registration Number	29308



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DRW JA-11

JOHN ALUMIT
16830 VENTURA BLVD. SUITE 360
ENCINO CA 91364

MAILED
JUL 25 2011
OFFICE OF PETITIONS

In re Application of :
Abdulla Sirazhutdinovich Aliev :
Application No. 12/262,856 :
Filed: 10/31/2008 :
Attorney Docket Number: 22754- :
024 :

ON PETITION

This is a decision in response to the petition under 37 CFR 1.137(b) filed on June 7, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on January 20, 2009, for failure to timely submit a reply to the Notice to File Missing Parts mailed on November 19, 2008, which set a two (2) month shortened period for reply. On July 13, 2009, an untimely reply including a four (4) month extension of time was filed. Notice of Abandonment was mailed on July 23, 2009.

Receipt of the reply filed on June 7, 2011 is acknowledged.

The application is being referred to the Office of Patent Application Processing for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions



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Paper No.

MILES & STOCKBRIDGE PC
1751 PINNACLE DRIVE
SUITE 500
MCLEAN VA 22102-3833

MAILED
AUG 23 2011
OFFICE OF PETITIONS

In re Application of	:	
Tanitsu	:	
Application No. 12/262,930	:	DECISION ON PETITION
Filed: October 31, 2008	:	PURSUANT TO 37 C.F.R.
Attorney Docket Number: XA-	:	\$ 1.137(B)
11211 (T3767-15822US01	:	
Title: OPTICAL UNIT,	:	
ILLUMINATION OPTICAL APPARATUS,	:	
EXPOSURE APPARTUS, EXPOSURE	:	
METHOD, AND DEVICE	:	
MANUFACTURING METHOD	:	

This is a decision on the petition filed July 19, 2011, pursuant to 37 C.F.R. § 1.137(b), to revive the above-identified application.

The petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed January 3, 2011, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on April 4, 2011. A notice of abandonment was mailed on July 15, 2011.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in 37 C.F.R.

- § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner has submitted the petition fee and the proper statement of unintentional delay. Petitioner has further indicated that a continuation application has been filed.

Office records confirm that continuation application no. 13/174,996 was filed on July 1, 2011.

The first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.¹

Since this application is being revived for purposes of continuity only and since continuity has been established by this decision reviving the application, the application is again abandoned in favor of continuation application number 13/174,996.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.² All other inquiries concerning examination procedures should be directed to the Technology Center.

/Paul Shanowski/
Paul Shanowski
Senior Attorney
Office of Petitions

¹ See Rule 1.137(d).

² Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.



UNITED STATES PATENT AND TRADEMARK OFFICE

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November 21, 2011

VENABLE LLP
P.O. BOX 34385
WASHINGTON DC 20043-9998

In re Application of	:	
Baudis, Ulrich et al	:	DECISION ON PETITION
Application No.12/262,960	:	
Filed: 10/31/2008	:	ACCEPTANCE OF COLOR
Attorney Docket No.37934-264751	:	DRAWINGS

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) December 15, 2008.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Diane Terry/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
www.uspto.gov

MCDERMOTT, WILL & EMERY LLP
600 13th Street, NW
Washington DC 20005-3096

MAILED

MAR 21 2011

OFFICE OF PETITIONS

In re Application of
Trey Ratcliff
Application No. 12/262,980
Filed: October 31, 2008
Attorney Docket No. 083233-0038

:
:
: DECISION ON PETITION
: TO WITHDRAW
: FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 4, 2011.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, “[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]” More specifically, 37 CFR 10.40 states, “[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is” for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request, *the assignee Electric Bat Interactive, LLC has requested no additional work be taken by McDermott Will & Emery*, do not meet any the conditions set forth in 37 CFR 10.40.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary

evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Heico Companies LLC**
Attn: Douglas Johnson
2626 Warnerville Rd., Suite 300
Downers Grove, IL 60515



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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, NW
WASHINGTON, DC 20005-3096

MAILED

JUL 28 2011

OFFICE OF PETITIONS

In re Application of
Trey Ratcliff
Application No. 12/262,980
Filed: October 31, 2008
Attorney Docket No. 083233-0038

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the renewed request to withdraw as attorney of record under 37 CFR § 1.36, filed July 21, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks a forwarding correspondence address of the first named inventor or a properly intervening assignee.

If the forwarding correspondence address is to the assignee, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *that properly became of record under 37 CFR 3.71*. 37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

Also, the attorneys of record were appointed using customer number 09123. Therefore, customer number 09123 must be used to withdraw the attorneys of record; not customer number 31824.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **ELECTRIC BAT INTERACTIVE, LLC
C/O CINDY ARMSTRONG
301 CONGRESS AVENUE, SUITE 800
AUSTIN, TC 78701**



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/263,019	10/31/2008	Leigh Ann Blevins Joyce	11867-133	7333

7590 10/20/2011
BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

EXAMINER

FRANKLIN, JODI C

ART UNIT	PAPER NUMBER
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1741

MAIL DATE	DELIVERY MODE
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10/20/2011

PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)
The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

- ☒ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
- ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
- ☐ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
- ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Mimi Farnes
Patent Publication Branch
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ARNOLD & PORTER LLP
ATTN: IP DOCKETING DEPT.
555 TWELFTH STREET, N.W.
WASHINGTON, DC 20004-1206

MAILED
NOV 16 2011

OFFICE OF PETITIONS

In re Application of	:	
John E. Scarboro	:	
Application No. 12/263,087	:	DECISION ON PETITION
Filed: October 31, 2008	:	TO WITHDRAW
Attorney Docket No. P30874US00/23116.002	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 25, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Todd T. Smith on behalf of all attorneys of record who are associated with customer No. 28381. All attorneys/agents associated with the Customer Number 28381 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There is an outstanding Office action mailed August 18, 2011 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: JOHN E. SCARBORO
706 S. LONGMONT AVENUE
LAFAYETTE, CO 80026



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/263,087	10/31/2008	John E. Scarboro	P30874US00/23116.002

CONFIRMATION NO. 7455

POWER OF ATTORNEY NOTICE



OC000000050888838

28381
ARNOLD & PORTER LLP
ATTN: IP DOCKETING DEPT.
555 TWELFTH STREET, N.W.
WASHINGTON, DC 20004-1206

Date Mailed: 11/09/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/25/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/s/aimwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)	
Application Number	12263092	
Filing Date	31-Oct-2008	
First Named Inventor	Hiroshige Owaki	
Art Unit	2874	
Examiner Name	ELLEN KIM	
Attorney Docket Number	16443.373	
Title	LIQUID EJECTING HEAD, METHOD FOR MAKING THE SAME, AND LIQUID EJECTING APPARATUS	
<p>An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.</p> <p>APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).</p> <p>A grantable petition requires the following items:</p> <p>(1) Petition fee; and</p> <p>(2) One of the following reasons:</p> <p>(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;</p> <p>(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or</p> <p>(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).</p>		
<p>Petition Fee</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY</p>		
Reason for withdrawal from issue		

- ☐ One or more claims are unpatentable
- ☒ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- ☐ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that:
- ☐ The RCE request, submission, and fee have already been filed in the above-identified application on
- ☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- ☐ A joint inventor; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Adrian J. Lee, 42785/
Name	Adrian J. Lee
Registration Number	42785



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : March 19, 2012

In re Application of :

Hiroshige Owaki

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12263092

Filed : 31-Oct-2008

Attorney Docket No : 16443.373

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed March 19, 2012 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 2874 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions



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QUARLES & BRADY, LLP
411 E. WISCONSIN AVENUE
SUITE 2040
MILWAUKEE, WI 53202-4497

MAILED

SEP 13 2010

In re Application of
Wayne S. Richey
Application No. 12/263,110
Filed: October 31, 2008
Attorney Docket No. 124121.00003

OFFICE OF PETITIONS

DECISION ON PETITION
TO WITHDRAW FROM
RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 10.40 filed July 22, 2010.

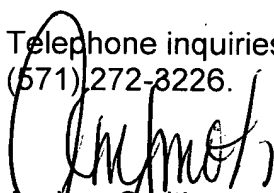
The request is **NOT APPROVED**.

The request cannot be approved because a review of the file record shows that John D. Franzini and the attorneys/agents associated with Customer Number 26710 do not have power of attorney in this patent application. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is not applicable¹.

In view of the above, all future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

There is an outstanding Office action mailed on June 9, 2010 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.


Andrea Smith
Petitions Examiner
Office of Petitions

cc: Wayne S. Richey
1760 Down River Drive
Woodland, WA 98674

¹ The Office will no longer approve requests from practitioners to withdraw from application where the requesting practitioners is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34.

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/263,120	Filing date:	October 31, 2008
First Named Inventor:	Wenbin Hong		
Title of the Invention:	CYCLIC OLEFIN COMPOSITIONS FOR TEMPORARY WAFER BONDING		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EFSC/EFSC_HELP.HTML](http://www.uspto.gov/efsc/efs_help.html)

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2009/061633

The international date of the corresponding PCT application(s) is/are: October 22, 2009

I. List of Required Documents:

- a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☐

Is attached.

☒

Is not attached because the document is already in the U.S. application.

- b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐

Is attached.

☒

Is not attached because the document is already in the U.S. application.

- c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/263,120	10/31/2008	Wenbin Hong	39709	7534
23589	7590	11/23/2010		
Hovey Williams LLP 10801 Mastin Blvd., Suite 1000 Overland Park, KS 66210				
			EXAMINER	
			AFTERGUT, JEFF H	
			ART UNIT	PAPER NUMBER
			1746	
			MAIL DATE	DELIVERY MODE
			11/23/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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CT

November 23, 2010

In re application of	:	DECISION ON REQUEST TO
Wenbin Hong et al	:	PARTICIPATE IN PATENT
Serial No. 12/263,120	:	PROSECUTION HIGHWAY
Filed: October 31, 2008	:	PROGRAM AND
For: CYCLIC OLEFIN COMPOSITIONS	:	PETITION TO MAKE SPECIAL
FOR TEMPORARY WAFER BONDING :	:	UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed September 24, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, USPTO or KIPO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) Applicant must submit a claims correspondence table in English and all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);
- (5) Examination of the U.S. application has not begun;
- (6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial

Application No. 12/263,120

applicability along with an English translation thereof if the latest international work product is not in the English language; and

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

/Christine Tierney/

Christine Tierney
Quality Assurance Specialist
Technology Center 1700



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LAW OFFICES OF RONALD M ANDERSON
600 108TH AVE, NE
SUITE 507
BELLEVUE WA 98004

MAILED
AUG 01 2011
OFFICE OF PETITIONS

In re Application of	:	
Allal Amrani	:	
Application No. 12/263,149	:	DECISION ON PETITION
Filed: October 31, 2008	:	TO WITHDRAW
Attorney Docket No. AMRA0004	:	FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36(b), filed July 18, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because the attorney cannot withdraw attorneys' individually when the power of attorney was originally granted by Customer Number in the Combined Declaration and Power of Attorney filed December 8, 2008.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

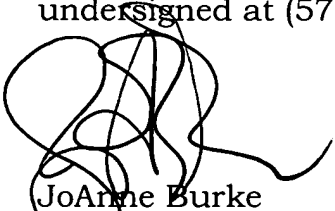
An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain

of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4584.



JoAnne Burke
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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LAW OFFICES OF RONALD M ANDERSON
600 108TH AVE, NE
SUITE 507
BELLEVUE WA 98004

MAILED

AUG 09 2011

OFFICE OF PETITIONS

In re Application of	:	
Allal Amrani	:	DECISION ON PETITION
Application No. 12/263,149	:	TO WITHDRAW
Filed: October 31, 2008	:	FROM RECORD
Attorney Docket No. AMRA0004	:	

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36(b), filed August 3, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40.

The request was signed by Ronald M. Anderson on behalf of all attorneys of record who are associated with Customer Number 25268.

All attorneys/agents associated with Customer Number 25268 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and all future correspondence will be directed to the first named inventor Allal Amrani at the address indicated below.

There is an outstanding Office action mailed August 2, 2011, that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Allal Amrani
20704 Des Moines Memorial Drive
Seatac, WA 98198-3501



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/263,149	10/31/2008	Allal Amrani	AMRA0004

CONFIRMATION NO. 7589

POWER OF ATTORNEY NOTICE



OC000000049219724

25268
LAW OFFICES OF RONALD M ANDERSON
600 108TH AVE, NE
SUITE 507
BELLEVUE, WA 98004

Date Mailed: 08/09/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/03/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/jlburke/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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LEVINE BAGADE HAN LLP
2400 GENG ROAD, SUITE 120
PALO ALTO CA 94303

MAILED

MAY 02 2011

OFFICE OF PETITIONS

**In re Application of
DA SILVA, et al
Application No. 12/263,159
Filed: October 31, 2008
Attorney Docket No: DSLVN00100**

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 8, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by David A. Levine on behalf of the attorneys of record associated with Customer No. 40518.

The attorneys of record associated with Customer No. 40518 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/DCG/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc: LUIZ B. DA SILVA
6248 PRESTON AVENUE
LIVERMORE, CA 94551



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/263,159	10/31/2008	Luiz B. DA SILVA	DSLVDNZ00100

CONFIRMATION NO. 7605

POWER OF ATTORNEY NOTICE

40518
LEVINE BAGADE HAN LLP
2400 GENG ROAD, SUITE 120
PALO ALTO, CA 94303



Date Mailed: 04/28/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/08/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/dcgoodwyn/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/263,216	10/31/2008	Rihito Kaneko	13372/61	7715
23838	7590	02/22/2011		
KENYON & KENYON LLP 1500 K STREET N.W. SUITE 700 WASHINGTON, DC 20005			EXAMINER MOULIS, THOMAS N	
			ART UNIT 3747	PAPER NUMBER
			MAIL DATE 02/22/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

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KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON DC 20005

In re Application of:

KANEKO, RIHITO et al

Serial No.: 12/263,216

Filed: Oct. 31, 2008

Docket: 13372/61

Title: IGNITION TIMING
CONTROLLING APPARATUS
AND IGNITION TIMING
CONTROLLING METHOD FOR
INTERNAL COMBUSTION
ENGINE

::
::
:
::
DECISION ON REQUEST
TO PARTICIPATE IN
PATENT PROSECUTION
HIGHWAY (PPH) AND
PETITION TO MAKE
SPECIAL UNDER 37 CFR
1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed Feb. 17, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more corresponding application(s) filed in the JPO or to a PCT application that does not contain any priority claim, or the U.S. application must be a national stage entry of a PCT application that does not contain any priority claim;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and

(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application. This application will be forwarded to an examiner for examination.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. All other inquiries concerning the examination or status of the application should be directed to Steve Cronin, SPE of Art Unit 3747, and 571-272-4536 for Class 123/406 and also accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

Petition is **granted**.

/Henry C. Yuen/

Henry C. Yuen, Special Programs Examiner
Technology Center 3700 – Mechanical Engineering,
Manufacturing and Products
571-272-4856



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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**SCHWABE WILLIAMSON & WYATT
PACWEST CENTER, SUITE 1900
1211 SW FIFTH AVENUE
PORTLAND OR 97204**

MAILED

OCT 26 2010

OFFICE OF PETITIONS

**In re Application of
Carl EBELING, et al
Application No. 12/263,223
Filed: October 31, 2008
Attorney Docket No. 109893-161594**

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 1, 2010.

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

In this regard, the request to withdraw from record cannot be approved because the correspondence address provided for future communications from the Office is not proper since the assignee indicated has not been properly made of record under 37 C.F.R 3.71.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/DCG/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

Cc: ABOUND LOGIC S.A.S.
PARC BUROSPACE,
1 ROUTE DE GISY-HALL 1 BIS
BIEVRES 91570 FR

Cc: AL AU YEUNG
1420 5TH AVE., SUITE 3400
SEATTLE WA 98101



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SCHWABE, WILLIAMSON & WYATT, P.C.
1420 FIFTH AVENUE, SUITE 3400
SEATTLE WA 98101-4010

MAILED

DEC 10 2010

OFFICE OF PETITIONS

In re Application of
Carl EBELING, et al
Application No. 12/263,223
Filed: October 31, 2008
Attorney Docket No. 109893-161594

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 12, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Al AuYeung on behalf of the attorneys of record associated with Customer No. 60172.

The attorneys of record associated with Customer No. 60172 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address copied below until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

Cc: CARL EBELING
101 ACACIA LANE
REDWOOD CITY CA 94062



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/263,223	10/31/2008	Carl Ebeling	109893-161594

60172
SCHWABE, WILLIAMSON & WYATT, P.C.
1420 FIFTH AVENUE, SUITE 3400
SEATTLE, WA 98101-4010

CONFIRMATION NO. 7728
POWER OF ATTORNEY NOTICE



Date Mailed: 12/09/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/12/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/dcgoodwyn/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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SYNECOR LLC
P.O. BOX 5325
LARKSPUR CA 94977

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DEC 13 2011

OFFICE OF PETITIONS

ON PETITION

In re Application of
Terrance Ransbury et al.
Application No. 12/263,240
Filed: October 31, 2008
Attorney Docket No: **INPLS-42**

This is a decision on the petition filed November 29, 2011 under 37 CFR 1.137(b),¹ to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned June 7, 2011 for failure to timely reply to the non-Final Office Action mailed March 4, 2011 within the shortened statutory period of three months set for reply. Accordingly, a Notice of Abandonment was mailed September 29, 2011.

The record reveals that a three month extension of time was filed with the instant petition, however, pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the \$635.00 extension of time fee submitted with the petition on November 29, 2011, was subsequent to the maximum period obtainable for reply, this fee is unnecessary and will be refunded back to the credit card provided.

This matter is being referred to Technology Center 3762 for appropriate action on the amendment filed November 29, 2011.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

¹Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)	
Application Number	12263243	
Filing Date	31-Oct-2008	
First Named Inventor	Ynjiun Wang	
Art Unit	2876	
Examiner Name	TABITHA CHEDEKEL	
Attorney Docket Number	H0021417	
Title	INDICIA READING TERMINAL INCLUDING FRAME QUALITY EVALUATION PROCESSING	
<p>An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.</p> <p>APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).</p> <p>A grantable petition requires the following items: (1) Petition fee; and (2) One of the following reasons: (a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable; (b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or (c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).</p>		
Petition Fee <input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27. <input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2). <input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY. <input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY		
Reason for withdrawal from issue		

- ☐ One or more claims are unpatentable
- ☒ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- ☐ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that:
- ☐ The RCE request, submission, and fee have already been filed in the above-identified application on
- ☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☐ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☒ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- ☐ A joint inventor; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/George S. Blasiak/
Name	George S. Blasiak
Registration Number	37283



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : December 29, 2011

In re Application of :

Ynjiun Wang

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12263243

Filed : 31-Oct-2008

Attorney Docket No : H0021417

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed December 29, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 2876 for processing of the request for continuing examination under 37 CFR 1.114.

Office of Petitions



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WOMBLE CARLYLE SANDRIDGE RICE PLLC
Attn.: IP DOCKETING
P.O. BOX 7037
ATLANTA, GA 30357-0037

NOV 11 2011

In re Application of:	:	
Wilson Wong et al.	:	
Serial No.: 12/263,290	:	DECISION <i>SUA SPONTE</i>
Filed: October 31, 2008	:	WITHDRAWING HOLDING
Attorney Docket No.: ALTEP183	:	OF ABANDONMENT

This is a decision, *sua sponte*, withdrawing the holding of abandonment of the above-identified application.

The application was held abandoned for failure to timely reply to the non-final Office action of March 29, 2011, and a Notice of Abandonment was mailed on October 13, 2011.

A non-final Office action was mailed on March 29, 2011. A reply was filed on October 7, 2011, along with a petition for an extension of time of three months to extend the due date for response to September 29, 2011. The requisite fee was charged to applicant's deposit account. The reply includes thereon a Certificate of Mailing dated September 29, 2011. Pursuant to 37 CFR 1.8(a), the reply was timely filed and the holding that the instant application became abandoned was in error.

Although no petition or request to withdraw the holding of abandonment in this application has been filed, the Notice of Abandonment is hereby vacated, the holding of abandonment withdrawn, and the application restored to pending.

An Office action will be mailed in due course.

Any inquiry regarding this decision should be directed to Melissa Koval, Supervisory Patent Examiner, at (571) 272-2121.

Diego F.F. Gutierrez

Diego Gutierrez, Acting Group Director
Technology Center 2800
Circuits/Measuring and Testing
Systems and Components



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LAW OFFICES OF JERRY A. SCHULMAN
18376 SUMMIT AVENUE
COURT C
OAKBROOK TERRACE IL 60181

MAILED
MAR 25 2011
OFFICE OF PETITIONS

In re Application of: :
Takayuki AKAHOSHI :
Application No. 12/263,315 : DECISION ON PETITION
Filing Date: October 31, 2008 :
Attorney Docket No. 10007-2-152 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed on September 03, 2010, to revive the above-identified application.

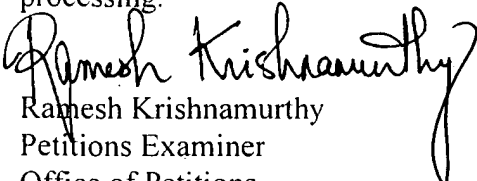
The petition is **GRANTED**.

The above-identified application became abandoned for failure to file a proper reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application mailed November 18, 2008, which set a shortened statutory period for reply of two (2) months. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on January 19, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the required fees, replacement drawings and signed oath or declaration, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay. Accordingly, the reply to the Notice to File Missing Parts of Nonprovisional Application of November 18, 2008 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

The application is being referred to the Office of Patent Application Processing for further processing.


Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions



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GREENBERG TRAURIG, LLP (SV)
IP DOCKETING
2450 COLORADO AVENUE
SUITE 400E
SANTA MONICA, CA 90404

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NOV 08 2010

OFFICE OF PETITIONS

In re Application of
Russell A. Houser et al.
Application No. 12/263322
Filed: October 31, 2008
Attorney Docket No. **37163-709.503**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed September 23, 2010.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to attorneys/agents associated with Customer Number 64494 has been revoked by the applicants of the patent application on October 4, 2010. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

cc: WILSON, SONSINI, GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO CA 94304-1050



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THE WEBOSTAD FIRM, A PROFESSIONAL CORPORATION
150 NORTH WIGET LANE
SUITE 200
WALNUT CREEK CA 94598

MAILED

SEP 27 2010

OFFICE OF PETITIONS

In re Application of
Andrew Horch
Application No. 12/263,376
Patent No. 6,953,953
Filed: October 1, 2002
Attorney Docket No. C023

:
:
:
:
:

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue patent under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket
Number: 81186334 (67,600-119)

Application Number
(if known): 12/263,388

Filing date: 10/31/2008

First Named
Inventor: Daniel A. Gabor

Title: REDUCED ENERGY VACUUM PUMP CONTROL

APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: _____

Signature /RANDYW.TUNG/

Date 03/04/2011

Name RANDY W. TUNG
(Print/Typed)

Registration Number 31,311

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below*.

☐ *Total of forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**Instruction Sheet for
Petition to Make Special Under the Green Technology Pilot Program**
(Not to be Submitted to the USPTO)

The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at http://www.uspto.gov/patents/init_events/green_tech.jsp):

- 1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.
- 2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- 3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- 4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- 5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- 6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/263,388	10/31/2008	Daniel A. Gabor	81186334 (67,600-119)	8056
32997	7590	04/19/2011		
TUNG & ASSOCIATES			EXAMINER	
838 WEST LONG LAKE, SUITE 120			MORRIS, LESLEY D	
BLOOMFIELD HILLS, MI 48302			ART UNIT	PAPER NUMBER
			3611	
			MAIL DATE	DELIVERY MODE
			04/19/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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APR 19 2011

TUNG & ASSOCIATES
838 WEST LONG LAKE, SUITE 120
BLOOMFIELD HILLS MI 48302

In re Application of	:	
Daniel A. GABOR	:	DECISION ON PETITION
Application No. 12/263,388	:	TO MAKE SPECIAL UNDER
Filed: October 31, 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. 81186334 (67,600-119)	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed March 8, 2011 to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to

make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks items 3 and 4.

In regard to item 3, petitioner should note that the instant petition fails to state the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice.

In regard to item 4, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. The disclosure of the instant application does not adequately explain how the claimed method for controlling a hydraulic brake system vacuum pump in a vehicle would increase energy efficiency of the vacuum pump, conserve energy resources or reduce greenhouse gas emissions. As stated in the notice, the materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner than could materially contribute to category (A) or (B). *Also see MPEP § 708.02 (VI)*. Accordingly, it is unclear as to how the claimed invention would materially contribute to category (B), and it is not agreed that the application on its face meets that materiality standard.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Lanna Mai at 571-272-6867.

The application is being forwarded to the Technology Center Art Unit 3611 for action in its regular turn.

/Lanna Mai/

Lanna Mai
Quality Assurance Specialist
Technology Center 3600

U.S.S.N. 12/263,388

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Daniel A. Gabor

Group Art Unit: 3611

Serial No.: 12/263,388

Examiner: Morris, Lesley

Filed: 10/31/2008

For: REDUCED ENERGY VACUUM PUMP CONTROL

Attorney Docket No.: 81186334 (67600-119)

CERTIFICATE OF MAILING OR FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Patent and Trademark Office via Electronic Filing.

Randy W. Tung

Printed Name

Please forward all correspondence to



Signature

4/25/11

Date

TUNG & ASSOCIATES

838 W. Long Lake Road, Suite 120
Bloomfield Hills, MI 48302

**PETITION FOR RECONSIDERATION OF DECISION ON PETITION TO MAKE
SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM**

Assistant Commissioner
for Patents
P.O. Box 1450
Alexandria, Va 22313-1450

Dear Sir:

In response to a Dismissal of the Petition filed 03/08/2011, under 37 CFR 1.102 for making the above-identified application special under the Pilot Program for applications pertaining to Green Technologies, the Applicants respectfully request of reconsideration of the petition.

U.S.S.N. 12/263,388

The petition was dismissed for not fulfilling requirement numbers 3 and 4 to qualify for special status in that "the basis for the special status is not stated" and the materiality standard is not met.

The basis for seeking special status for the instant invention is that it materially contributes to the conservation of energy resources and furthermore, achieving greenhouse gas emission reduction of a hybrid electric vehicle.

The Applicants hereby respectfully submit that the present application fulfills the special status that the invention materially contributes to energy conservation in enabling the proper operation of a hybrid electric vehicle.

As stated in the instant Application, paragraphs 002, 003, 0011 and 0012:

[002] Power brake systems for vehicles, for example, including **hybrid electric vehicles (HEV's)**, typically include a hydraulic brake boosting system which increases the hydraulic force applied to the brakes when engaging a vehicle brake system (e.g., depressing a brake pedal).

U.S.S.N. 12/263,388

[003] A hydraulic brake system typically includes a vacuum pump which may be operated by a motor connected to the vehicle power system so as to generate negative pressure (vacuum) on a working fluid (e.g., air) which is stored in a brake booster, e.g., attached to the master cylinder. Typically, when the brake pedal is engaged (e.g., depressed), negative pressure is introduced into the hydraulic brake system to increase (boost) the force applied to the brake system (e.g., master cylinder) in order to operate the brakes.

[0011] Therefore it is an object of the invention to provide an improved method to control the operation of a vacuum pump included in a hydraulic brake system (brake booster vacuum pump) of a hybrid electric vehicle in order to improve operating efficiency of the brake system **including reduced power consumption and reduced pump operating noise.**

[0012] In an exemplary embodiment, a method is provided that includes determining a state of a hybrid electric vehicle ignition switch; determining a state of the vehicle, the vehicle state including at least one of whether the vehicle is in a torque producing mode, whether the vehicle is moving, and whether the vehicle brake system is engaged; and, controlling the vacuum pump in response to the vehicle state and the ignition switch state."

U.S.S.N. 12/263,388

The Applicants therefore respectfully submit that the present invention discloses a technology to reduce energy consumption of the coolant heater to enable the proper operation of the vehicle and therefore, materially contributes to energy conservation by such operation.

A reconsideration for making special of the present application under the Green Technology Pilot Program is respectfully requested of the Examiner.

In the event that the present invention as claimed is not in condition for allowance for any reason, the Examiner is respectfully invited to call the Applicants representative at his Bloomfield Hills, Michigan office at (248) 540-4040 such that necessary action may be taken to place the application in a condition for allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Randy W. Tung', written over a horizontal line.

Randy W. Tung,
Registration No. 31311



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/263,388	10/31/2008	Daniel A. Gabor	81186334 (67,600-119)	8056
32997	7590	06/09/2011	EXAMINER	
TUNG & ASSOCIATES			STABLEY, MICHAEL R	
838 WEST LONG LAKE, SUITE 120			ART UNIT	
BLOOMFIELD HILLS, MI 48302			PAPER NUMBER	
			3611	
			MAIL DATE	
			DELIVERY MODE	
			06/09/2011	
			PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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TUNG & ASSOCIATES
838 WEST LONG LAKE, SUITE 120
BLOOMFIELD HILLS MI 48302

In re Application of	:	
Daniel A. GABOR	:	DECISION ON PETITION
Application No. 12/263,388	:	TO MAKE SPECIAL UNDER
Filed: October 31, 2008	:	THE GREEN TECHNOLOGY
Attorney Docket No. 81186334 (67,600-119)	:	PILOT PROGRAM

This is a decision on the renewed petition under 37 CFR 1.102, filed April 25, 2011 to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DENIED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item 4.

In regard to item 4, petitioner's arguments have been considered but not found persuasive. The claimed method of controlling the operation of a vacuum pump included in a hydraulic brake system may make the brake system more efficient by maintaining a predetermined vacuum pressure range, but it does not appear to reduce power consumption because the vacuum pump must be operated when the vehicle is moving (as disclosed in paragraphs 0027 and 0029 of the specification), or in a torque producing mode (see paragraph 0028 of the specification), or in the event the brake system is being engaged (see paragraph 0029 of the specification) even when the vehicle ignition is in an off position. These are evidence that the vacuum pump is operational almost all the time regardless of whether the vehicle is moving, and energy must be provided to the vacuum pump to keep it operational. Since the disclosure does not explain how much fuel one can save using the claimed invention, petitioner's assertion of the claimed invention's reduced power consumption is mostly speculative. As for petitioner's assertion of reduced pump operating noise, there is no evidence that the pump operating noise is reduced when the pump is operational almost all the time even when the vehicle ignition is in an off position.

As stated in the notice, the materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner than could materially contribute to category (A) or (B). *Also see MPEP § 708.02 (VI)*. Accordingly, it is not agreed that the application on its face meets that materiality standard.

Telephone inquiries concerning this decision should be directed to Lanna Mai at 571-272-6867.

The application is being forwarded to the Technology Center Art Unit 3611 for action in its regular turn.

/Lanna Mai/

Lanna Mai
Quality Assurance Specialist
Technology Center 3600



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KILPATRICK TOWNSEND & STOCKTON LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

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MAR 31 2011

OFFICE OF PETITIONS

In re Application of	:	
Williams et al.	:	
Application No.: 12/263397	:	DECISION ON
Filing or 371(c) Date: 10/31/2008	:	PETITION
Attorney Docket Number:	:	
027095-003460US	:	

This is a decision in response to the Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action Under MPEP § 711.03(c) and 37 CFR § 1.181(a), filed January 24, 2011.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Corrected Application Papers (Notice"), mailed March 26, 2011. The Notice set a two (2) month period for reply. No reply having been received, the application became abandoned on May 27, 2010. A Notice of Abandonment was mailed December 2, 2010.

With the present petition, Applicant has demonstrated non-receipt of the Notice by a preponderance of the evidence.

In view of the foregoing, the petition is **granted**. The holding of abandonment is hereby withdrawn.

The application will be referred to the Office of Patent Application Processing for processing of the response to the Notice, filed with the present petition on January 24, 2011.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions



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OFFICE OF PETITIONS

THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
400 INTERSTATE NORTH PARKWAY SE
SUITE 1500
ATLANTA GA 30339

In re Application of :
Lin :
Application No. 12/263,456 : DECISION ON PETITION
Filed: November 1, 2008 : PURSUANT TO
Attorney Docket No. 251812- : 37 C.F.R. § 1.137(B)
3870 :
Title: PHASE LOCK LOOP WITH :
PHASE INTERPOLATION BY :
REFERENCE CLOCK AND METHOD :
FOR THE SAME :

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed December 23, 2011, to revive the above-identified application.

This petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to a non-final Office action, mailed May 12, 2011, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on August 13, 2011. A notice of abandonment was mailed on December 1, 2011.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in 37 C.F.R. § 1.17(m);

- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner has submitted an amendment, the petition fee, and the proper statement of unintentional delay. As such, the first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable.


The Technology Center will be notified of this decision, and jurisdiction over this application is transferred to the Technology Center, so that the application may receive further processing. The Technology Center's support staff will notify the Examiner of this decision, so that the amendment that was received on December 23, 2011 can be processed in due course.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay.¹ In the event that such an inquiry has not been made, Petitioner must make such an inquiry. If such inquiry results in the discovery that the delay was intentional, Petitioner must notify the Office.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by the Technology Center in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Technology Center where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

¹ See 37 C.F.R. § 10.18(b); cf. Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997).

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.² All other inquiries concerning this application should be directed to the Technology Center.



Paul Shanoski
Senior Attorney
Office of Petitions

² Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).



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LOZA & LOZA LLP
305 NORTH SECOND AVE., #127
UPLAND, CA 91786-6064

MAILED

DEC 15 2010

OFFICE OF PETITIONS

In re Application of
Shimon Dery et al
Application No. 12/263,461
Filed: November 1, 2008
Attorney Docket No. NEXT-1001

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 13, 2010.

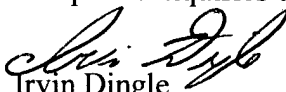
The request is **APPROVED**.

The request was signed by Julio M. Loza on behalf of the practitioners of record associated with Customer Number 58875.

Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to inventor Shimon Dery at the address indicated below.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.


Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Shimon Dery
16850 Collins Ave. #259
Miami, FL 33160



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/263,461	11/01/2008	SHIMON DERY	NEXT-1001

58875
LOZA & LOZA LLP
305 North Second Ave., #127
Upland, CA 91786-6064

CONFIRMATION NO. 8205
POWER OF ATTORNEY NOTICE



Date Mailed: 12/15/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/13/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/s/ idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/263,461	11/01/2008	SHIMON DERY	NEXT-1001

Shimon Dery
16850 Collins Ave. #259
Miami, FL 33160

CONFIRMATION NO. 8205
POA ACCEPTANCE LETTER



OC000000044940678

Date Mailed: 12/15/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/13/2010.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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Hewlett-Packard Company
Intellectual Property Administration
3404 E. Harmony Road
Mail Stop 35
Fort Collins, CO 80528

MAILED
APR 29 2011
OFFICE OF PETITIONS

In re Application of
Alexander Leon
Application No. 12/263,469
Filed: November 1, 2008
Attorney Docket No. 200501508-6

:
:
: **DECISION ON PETITION**
:
:

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 23, 2011, to revive the above-identified application.

The application became abandoned for failure to file a timely reply to the Notice of Allowance and Fee(s) Due (Notice) mailed on October 26, 2010. A Notice of Abandonment was mailed February 10, 2011.

The required petition fee of \$1,620 has been charged to petitioner's deposit account, as authorized.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of \$1,510 for payment of the issue fee and \$300 for payment of the publication fee; (2) the petition fee of \$1,620; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application file is being referred to the Office of Data Management for further processing into a patent.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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WESTMAN CHAMPLIN & KELLY, P.A.
SUITE 1400
900 SECOND AVENUE SOUTH
MINNEAPOLIS MN 55402

MAILED

AUG 01 2011

OFFICE OF PETITIONS

In re Application :
Uwe Kortshagen et al. :
Application No. 12/263,616 :
Filed: November 3, 2008 :
Attorney Docket No. U11.12-0202 :

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed June 27, 2011. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby accepted. The petition is **GRANTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

This file is being forwarded to the Office of Publications.

Telephone inquiries related to this decision should be directed to the Kimberly Inabinet at (571) 272-4618.

/Kimberly Inabinet/
Kimberly Inabinet
Petitions Examiner
Office of Petitions



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United States Patent and Trademark Office
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MCNEES WALLACE & NURICK LLC
100 PINE STREET
P.O. BOX 1166
HARRISBURG, PA 17108-1166

MAILED

MAR 28 2011

OFFICE OF PETITIONS

In re Application of	:	
Anthony P. Delucia et al	:	
Application No. 12/263,654	:	ON PETITION
Filed: November 3, 2008	:	
Attorney Docket No. 282660-00349/11631-9003	:	

This is a decision on the petition, filed February 16, 2011, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704. No additional petition fee is required.

A review of the file record shows that a Request to Rescind was filed with petition on February 16, 2011. However, petitioner has not provided the exact filing date of the foreign application. Before a proper determination on the merits of the petition can be decided, petitioner must supply the filing date of the foreign application in a renewed petition under 37 CFR 1.137(b). A courtesy copy of a Petition for Revival of an Application for Patent Abandoned for Failure to Notify the Office of a Foreign or International Filing (37 CFR 1.137(f)) is enclosed.


Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By Fax: (571) 273-8300
ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.


Irvin Dingle
Petition Examiner
Office of Petitions

Attachment: blank copy of a Petition for Revival of an Application for Patent Abandoned for Failure to Notify the Office of a Foreign or International Filing (37 CFR 1.137(f)) form



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAY 02 2011

OFFICE OF PETITIONS

MCNEES WALLACE & NURICK LLC
100 PINE STREET
P.O. BOX 1166
HARRISBURG, PA 17108-1166

In re Application of	:	
Anthony P. Delucia et al	:	
Application No. 12/263,654	:	DECISION ON PETITION
Filed: November 3, 2008	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 282660-00349/11631-9003	:	

This is a decision on the petition, filed April 1, 2011, which is being treated as a renewed petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. See 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen months publication country on November 3, 2008. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen months publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country, or under a multilateral international agreement, that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

- (1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
- (2) the petition fee as set forth in 37 CFR 1.17(m); and
- (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

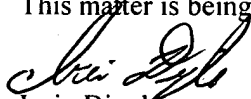
The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of

such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122 (b) (2) (B) (i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request, which sets forth the projected publication date will be mailed in a separate correspondence.

Any inquiries concerning this decision may be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 3617 for examination in due course.


Irvin Dingle
Petitions Examiner
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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**ABSOLUTE TECHNOLOGY LAW GROUP LLC
3316 W. WISCONSIN AVENUE
MILWAUKEE WI 53208**

**MAILED
AUG 08 2011
OFFICE OF PETITIONS**

In re Application of	:	
VERHEIJEN	:	
Application No. 12/263,733	:	DECISION ON PETITION
Filed: November 3, 2008	:	TO WITHDRAW
Attorney Docket No. VERHEIJEN- NP-1008	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 15, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Jill Gilbert Welytok on behalf of the attorneys of record associated with Customer No. 57520.

The attorneys of record associated with Customer No. 57520 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address first copied below until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc: LUISA VERHEIJEN
438 MOHAWK ROAD
JANESVILLE WI 53545

cc: JILL GILBERT WELYTOK
135 W WELLS STREET, SUITE 518
MILWAUKEE WI 53203



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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EMERSON, THOMSON & BENNETT, LLC
1914 AKRON-PENINSULA ROAD
AKRON OH 44313

MAILED

MAR 11 2011

OFFICE OF PETITIONS

In re Application of	:	
Shiao et al.	:	DECISION ON PETITION
Application No. 12/263,742	:	TO WITHDRAW
Filed: November 3, 2008	:	FROM RECORD
Attorney Docket No. 22168.50007	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed January 25, 2011.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Daniel A. Thomson on behalf of all attorneys of record associated with Customer Number 78340. However, since the practitioners were not appointed by a Customer Number upon filing of the instant application, petitioner may not withdraw the practitioners by Customer Number.

All future communications from the Office will continue to be directed to above-listed address until otherwise notified by applicant.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

Joan Olszewski
Petitions Examiner
Office of Petitions



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United States Patent and Trademark Office
P.O. Box 1450
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AKRON OH 44313

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APR 12 2011
OFFICE OF PETITIONS

In re Application of
Shiao et al.
Application No. 12/263,742
Filed: November 3, 2008
Attorney Docket No. 22168.50007

DECISION ON PETITION
TO WITHDRAW FROM RECORD

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 24, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

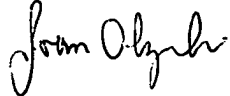
The request was signed by Daniel A. Thomson on behalf of all attorneys of record.

All attorneys/agents of record have been withdrawn. Applicants are reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor at the address indicated below.

Currently, there is an outstanding Office action mailed March 17, 2011 that requires a reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.



Joan Olszewski
Petitions Examiner
Office of Petitions

cc: James Shihfu Shiao
Daw Shien Scientific Research & Development, Inc.
4367 Bunker Lane
Stow, OH 44224



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1914 AKRON-PENINSULA ROAD
AKRON OH 44313

MAILED

MAR 11 2011

OFFICE OF PETITIONS

In re Application of	:	
Shiao et al.	:	DECISION ON PETITION
Application No. 12/263,775	:	TO WITHDRAW
Filed: November 3, 2008	:	FROM RECORD
Attorney Docket No. 22168.50006	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed January 25, 2011.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Daniel A. Thomson on behalf of all attorneys of record associated with Customer Number 78340. However, since the practitioners were not appointed by a Customer Number upon filing of the instant application, petitioner may not withdraw the practitioners by Customer Number.

All future communications from the Office will continue to be directed to above-listed address until otherwise notified by applicant.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

Joan Olszewski
Petitions Examiner
Office of Petitions



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APR 01 2011

OFFICE OF PETITIONS

In re Application of
Shiao et al.
Application No. 12/263,775
Filed: November 3, 2008
Attorney Docket No. 22168.50006

DECISION ON PETITION
TO WITHDRAW FROM RECORD

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 24, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

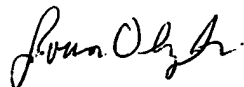
The request was signed by Daniel A. Thomson on behalf of all attorneys of record.

All attorneys/agents associated with the above-identified application have been withdrawn. Applicants are reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor at the address indicated below.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.



Joan Olszewski
Petitions Examiner
Office of Petitions

cc: James Shihfu Shiao
Daw Shien Scientific Research & Development, Inc.
4367 Bunker Lane
Stow, OH 44224



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Lempia Summerfield Katz LLC/CME
One North LaSalle Street
Suite 3150
Chicago IL 60602

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JUN 03 2011

OFFICE OF PETITIONS

In re Application of:
Callaway et al.
Application No. 12/263821
Filing or 371(c) Date: 11/03/2008
Attorney Docket Number:
4672/709

:
: ON REQUEST FOR
: RECONSIDERATION
: PATENT TERM ADJUSTMENT
:
:

This letter is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 36 CFR 1.705(b)," filed April 19, 2011. Applicants submit that the correct patent term adjustment should be 216 days, not 86 days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicant requests this correction based upon an assertion that the Office erred in calculating a reduction on 130 day pursuant to 37 CFR 1.704(b).

The application for patent term adjustment is **GRANTED**.

The Office has updated the PALM and PAIR screens to reflect that the Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is two hundred sixteen (**216**) days. A copy of the updated PALM screen, showing the correct determination, is enclosed.

On January 21, 2011, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date is 86 days.

On April 19, 2011, applicant timely submitted the present application for patent term adjustment¹. Applicants dispute the period of reduction of 130 days for the filing of an Information Disclosure Statement (IDS) on November 15, 2010.

¹ Office records show that the Issue Fee payment was received in the Office on April 19, 2011.

Applicant's arguments have been carefully considered. A review of the record reveals that the IDS was filed after Applicant filed a reply to a non-final Office action on July 8, 2010. A further review of the application file reveals that the IDS included a statement that complies with 37 CFR 1.704(d). Finally, the application history confirms that the IDS was not otherwise filed under circumstances that constitute a failure to engage in reasonable efforts to conclude prosecution. The period of reduction of 130 days entered for the filing of the IDS is not warranted and is being removed.

In view thereof, the correct Patent Term Adjustment at the time of the mailing of the Notice of Allowance is two hundred sixteen (216) days, subject to any terminal disclaimer.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the Publications Division for issuance of a patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3232.

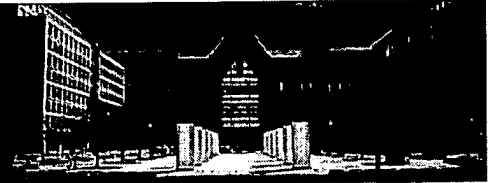
/DLW/

Derek L. Woods
Attorney
Office of Petitions

Enclosure: Copy of Adjustment PAIR Calculations



Patent Term Adjustments



PTA/PTE Information Patent Term Adjustment Patent Term Extension

Application Number*: [Explanation of PTA Calculation](#) [Explanation of PTE Calculation](#)

PTA Calculations for Application: 12263821

Application Filing Date	11/03/2008	OverLapping Days Between (A and B) or (A and C)	0
Issue Date of Patent		Non-Overlapping USPTO Delays:	216
A Delays	216	PTO Manual Adjustment	130
B Delays	0	Applicant Delay (APPL)	130
C Delays	0	Total PTA (days)	216

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
61	05/20/2011		P028	Adjustment of PTA Calculation by PTO	130		0
52	01/21/2011		MN/=.	Mail Notice of Allowance			0
51	01/20/2011		IREV	Issue Revision Completed			0
50	01/20/2011		DVER	Document Verification			0
48	01/18/2011		N/=.	Notice of Allowance Data Verification Completed			0
47	01/18/2011		DOCK	Case Docketed to Examiner in GAU			0
46	01/18/2011		CNTA	Allowability Notice			0
45	01/07/2011		P574	Paralegal TD Accepted			0
43	12/30/2010		FWDX	Date Forwarded to Examiner			0
44	12/23/2010	12/23/2010	DIST	Terminal Disclaimer Filed			42
42	12/23/2010		A.NE	Amendment after Final Rejection			0
41	12/23/2010	11/08/2010	MCTFR	Mail Final Rejection (PTOL - 326)	45		31
40	12/20/2010		CTFR	Final Rejection			0
37	11/17/2010		PA..	Change in Power of Attorney (May Include Associate POA)			0
33	11/16/2010		C.AD	Correspondence Address Change			0
39	11/15/2010		IDSC	Information Disclosure Statement considered			0
36	11/15/2010		RCAP	Reference capture on IDS			0
35	11/15/2010	07/08/2010	M844	Information Disclosure Statement (IDS) Filed		130	31
34	11/15/2010		WIDS	Information Disclosure Statement (IDS) Filed			0
32	11/09/2010		FWDX	Date Forwarded to Examiner			0
30	08/01/2010		P575	Paralegal TD Not accepted			0
31	07/08/2010		A...	Response after Non-Final Action			0
29	07/08/2010		DIST	Terminal Disclaimer Filed			0
28	06/23/2010	01/03/2010	MCTNF	Mail Non-Final Rejection	171		0.5
27	06/21/2010		CTNF	Non-Final Rejection			0
21	01/13/2010		IDSC	Information Disclosure Statement considered			0
20	01/13/2010		RCAP	Reference capture on IDS			0
19	01/13/2010		M844	Information Disclosure Statement (IDS) Filed			0
18	01/13/2010		WIDS	Information Disclosure Statement (IDS) Filed			0
17	12/29/2009		DOCK	Case Docketed to Examiner in GAU			0
22	11/06/2009		IDSC	Information Disclosure Statement considered			0
16	11/06/2009		RCAP	Reference capture on IDS			0
15	11/06/2009		M844	Information Disclosure Statement (IDS) Filed			0
14	11/06/2009		WIDS	Information Disclosure Statement (IDS) Filed			0
13	04/23/2009		PG-ISSUE	PG-Pub Issue Notification			0
12	03/19/2009		TSSCOMP	IFW TSS Processing by Tech Center Complete			0
11	01/14/2009		OIPE	Application Dispatched from OIPE			0
10	01/14/2009		FLRCPT.U	Filing Receipt - Updated			0
9	01/08/2009		A.PE	Preliminary Amendment			0
9	01/08/2009		ADDFLFE	Additional Application Filing Fees			0
8	01/08/2009		CORRDRW	Applicant has submitted new drawings to correct Corrected Papers problems			0
7	11/24/2008		FLRCPT.O	Filing Receipt			0
6	11/24/2008		CPAP	Corrected Paper			0
5	11/12/2008		L194	Cleared by OIPE CSR			0
3	11/06/2008		SCAN	IFW Scan & PACR Auto Security Review			0
23	11/03/2008		IDSC	Information Disclosure Statement considered			0
4	11/03/2008		WIDS	Information Disclosure Statement (IDS) Filed			0
1	11/03/2008		IEXX	Initial Exam Team nn			0
0.5	11/03/2008		EFIL	Filing date			0

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McCarter & English, LLP / GTECH
285 Franklin Street
Boston MA 02110-3113

MAILED

NOV 28 2011

OFFICE OF PETITIONS

In re Application of :
Aaron MASTER et al. :
Application No. 12/263,843 :
Filed: November 3, 2008 :
Attorney Docket No. MELD 1008-1 :

ON PETITION

This is in response to the petition, filed November 23, 2011, under 37 CFR 1.59(b) to expunge the Power of Attorney Request submitted on November 2, 2011.

The petition is **GRANTED**.

Petitioner requests that the Power of Attorney Request submitted on November 2, 2011 be expunged as it has been submitted a third party who is neither affiliated with the inventors or the previous attorneys of record. The Office approved the Power of Attorney Request on November 10, 2011. Accordingly, petitioner further requests the Power of Attorney and Correspondence Address are returned to that of Customer No. 22470.


A thorough review of USPTO records indicates that the there is no chain of title from the inventors to the party who submitted the Power of Attorney Request of November 2, 2011. The records of the USPTO indicate that the inventors have assigned their rights to Melodis Corporation, now Soundhound, Inc.

The information in question has been determined by the undersigned to not be material to the examination of the instant application.

In a paper file, the unintentionally submitted exhibits could, but not necessarily would, have been physically removed from the file wrapper and returned to applicant. In the IFW realm the corresponding action(s) is to close the document and also remove such from the listing of "Public[ly available] Documents." It is agreed that it would be appropriate in this instance to close the information that was erroneously filed in the above identified application, and also remove such from the listing of publicly available documents for this Image File Wrapper (IFW).

In view of the above, the papers filed November 2, 2011 will be removed from the file. Furthermore, the Power of Attorney and Correspondence Address will be returned to that of Customer No. 22470.

Telephone inquiries regarding this decision should be directed to David Bucci at (571) 272-7099.


David Bucci
Petitions Examiner
Office of Petitions

Cc: Haynes Beffel and Wolfeld LLP
P.O. Box 366
Half Moon Bay, CA 94019



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/263,886	11/03/2008	Luis G. Cascao-Pereira	31051-US1	9074
5100 7590 06/23/2011 DANISCO US INC. ATTENTION: LEGAL DEPARTMENT 925 PAGE MILL ROAD PALO ALTO, CA 94304			EXAMINER RAGHU. GANAPATHIRAM	
			ART UNIT 1652	PAPER NUMBER
			MAIL DATE 06/23/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



United States Patent and Trademark Office

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JUN 23 2011

Steven G. Bacsi
DANISCO US INC.
ATTENTION: LEGAL DEPARTMENT
925 PAGE MILL ROAD
PALO ALTO CA 94304

In re Application of	:
Cascao-Pereira et al	:Decision on Petition
Serial No.: 12/263,886	:
Filed : 3 November 2008	:
Attorney Docket No.: 31051-US1	:

This letter is in response to the Petition under 37 C.F.R. 1.14 filed on 10 November 2010 requesting reconsideration of the restriction requirement mailed 14 January 2010.

BACKGROUND

This application was filed as a national application under 35 U.S.C. 111(a) and as such is entitled to restriction practice under Chapter 800.

On 14 January 2010, the examiner set forth a restriction requirement which divided claims 1-49 into 44 groups and required a further election of species.

On 11 March 2010, applicants elected Group XII and species variant 13 of alpha amylase, with traverse.

On 18 May 2010, the examiner mailed to applicants a non-final Office action in which the traversal was considered, and the requirement was made final. Claims 1-3, 6, 12, 13, 22-25, 35-40, 42 and 45-50 were withdrawn from consideration under 37 CFR 1.142(b) as being directed to non-elected subject matter. Claims 8-11 were examined on the merits. Claims 8-11 were objected to for comprising non-elected subject matter.

On 10 November 2010, applicants filed a response long with this petition.

On 25 March 2011, the examiner mailed to applicants a final Office action in which claims 8-11 were rejected and claims 1, 3, 6, 12, 13, 22-25, 35-40, 42, and 45-50 were withdrawn from consideration.

On 20 June 2011, applicants called and brought the petition to the deciding official's attention.

DISCUSSION

The file history and petition have been considered carefully.

First, the filing of the petition should have prevented the mailing of any next action prior to the mailing of this petition decision. That did not happen here. Accordingly, the final Office action mailed 25 March 2011 was untimely.

Second, the petition requests rejoinder of the protein and the polynucleotide because, as they stated in the response filed 11 March 2010, it would have been obvious to express the nucleic acids of any of Groups 12-22 to product the polypeptides of any of Groups 1-11. This is persuasive. Applicants are reminded that should the examiner find one of the inventions unpatentable over the prior art, the admission may be used in a rejection under 35 U.S.C. 103 over the other invention.

Third, the petition points out that the examiner has placed Markush claims into groups for the purposes of restriction. Because applicant's claims are drafted in Markush-type format, the petition argues that they should be considered under the guidelines of MPEP 803.02. This is persuasive.

The Claims are rejoined into two groups, reciting original claim numbers, as follows:

Group A: claims 1-6, 7-11 12-24 and 47-49, drawn to a variant alpha amylase (original Groups 1-11) and polynucleotides encoding the amylases of Group A (original groups 12-22)

Group B: Claims 25-39 and 40-46, drawn to a method of using the amylases of Group A (original Groups 23-44)

Further, it is noted that on 9 February 2011, the Office issued A Federal Register Notice entitled "Supplemental Examination Guidelines for Determining Compliance with 35 U.S.C. 112 and for treatment of Related Issues in Patent Applications." Page 7166 sets forth guidelines for the treatment of Markush-type claims:

"Under principles of compact prosecution, the examiner should also require the applicant to elect a species or group of indistinct species for search and examination (i.e., an election of species). If the examiner does not find the species or group of indistinct species in the prior art, then the examiner should extend the search to those additional

species that fall within the scope of a permissible Markush claim. In other words, the examiner should extend the search to the species that share a single structural similarity and a common use. The improper Markush claim should be examined for patentability over the prior art with respect to the elected species or group of indistinct species, as well as the species that share a single structural similarity and a common use with the elected species or group of indistinct species (i.e., the species that would fall within the scope of a proper Markush claim)."

In view of these new guidelines, the restriction requirement between the embodiments of the Markush claims is unwarranted and is hereby replaced with a provisional election of species requirement.

Lastly, applicant has argued that the examiner has not followed the election and examination practice for Markush claims. MPEP 803.02 requires extended examination of other embodiments. See:

Following election, the Markush-type claim will be examined fully with respect to the elected species and further to the extent necessary to determine patentability. If the Markush-type claim is not allowable, the provisional election will be given effect and examination will be limited to the Markush-type claim and claims to the elected species, with claims drawn to species patentably distinct from the elected species held withdrawn from further consideration.

Lastly, it is noted that the examiner has objected to claims for reciting non-elected subject matter. This is counter to MPEP 803.02, which permits applicants to retain non-elected subject recited in the alternative of a Markush claim. It is noted that MPEP 809 also permits generic claims to encompass non-elected species.

DECISION

For these reasons, the petition filed under 37 CFR 1.144 on 10 November 2010 is **GRANTED-IN-PART** follows.

The final Office action dated 25 March 2011 has been withdrawn.

The intra-claim restriction requirements have been withdrawn and replaced with an election of species requirement. The Claims are rejoined into two groups, reciting original claim numbers, as follows:

Group A: claims 1-6, 7-11, 12-24 and 47-49, drawn to a variant alpha amylase protein (original Groups 1-11) and polynucleotides encoding the amylases of Group A (original Groups 12-22)

Group B: Claims 25-39 and 40-46, drawn to a method of using the amylases of Group A (original Groups 23-44)

The restriction between the protein and polynucleotide is withdrawn in view of applicant's admissions. It is noted that should the examiner find one of the inventions unpatentable over the prior art, applicants admission may be used in a rejection under 35 U.S.C. 103 over the other invention.

The objection to claims 8-11 for reciting non-elected subject matter with withdrawn.

The request concerning the priority claim speaks to the merits of the examination and as such, is beyond the scope of this petition decision.

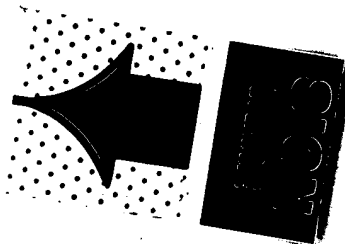
The application will be forwarded to the examiner to prepare a supplemental Office action consistent with this petition decision. Markush claims are to be examined according to the guidance in MPEP 803.02 and the FR Notice of February 2011. Should claims directed to allowable products become in condition for allowance, the examiner should consider any withdrawn process claims for rejoinder according to MPEP 821.04(b).

Should there be any questions regarding this decision, please contact Quality Assurance Specialist Julie Burke by mail addressed to Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at (571) 272-0512 or by Official Fax at 703-272-8300.



Jackie Stone

Director, Technology Center 1600





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OFFICE OF PETITIONS

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

In re Application of	:	
Ruben PRYLUK	:	DECISION REFUSING STATUS
Application No. 12/263,897	:	UNDER 37 CFR 1.47(b)
Filed: November 3, 2008	:	
Attorney Docket No.	:	

This is in response to the renewed petition under 37 CFR 1.47(b), filed May 6, 2010.

The petition is **DISMISSED**.

Rule 47 applicant (applicant) is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(b) requires:

- (1) proof that the non-signing inventor cannot be reached after diligent effort or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
- (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
- (3) the petition fee;
- (4) a statement of the last known address of the non-signing inventor.
- (5) proof of proprietary interest: and
- (6) proof of irreparable damage.

Applicant lacks items (1), (2) and (5) set forth above.

In regard to item (1), the declarations of Daniel Cohen (Cohen declarations) filed previously stated that the nonsigning inventor Mr. Pryluk "left Israel to the USA or Mexico and he works there, for an unknown period of time, while his address in the USA or in Mexico is also

unknown to us.” However, there is no documented showing of any attempts at searching the location of Mr. Pryluk either inside Israel or outside of it. Applicant should note that where inability to find or reach a nonsigning inventor “after diligent effort” is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made. The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts. It is important that the statement contain facts as opposed to conclusions. The instant petition includes a declaration by Ofer Karsh that states (item 9) that there was a demand by the non-signing inventor for payment of a sum of money “in consideration for him to sign”. The Karsh declaration refers to an “Annex G” for a copy of the letter that includes the alleged demand. However, the instant petition does not include an “Annex G”. See MPEP § 409.03(d) for a discussion on the “Proof of Unavailability or Refusal.”

In regard to item (2), petitioner should note that the declaration filed concurrently with the instant petition is not acceptable. It is noted (see Filing Receipt mailed April 3, 2009) that while the instant application is a continuation of the Application 11/866,221, the ‘221 application was not accorded status under 37 CFR 1.47 and thus a proper oath/declaration in compliance with 35 U.S.C. §§ 115 and 116 is required in the instant application. See MPEP § 409.03 (b)(A) for guidance on submitting an acceptable oath/declaration. The lack of an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116 has also been noted in the Notice to file missing parts mailed November 20, 2008.

As to item (5), Rule 47 applicant has failed to show or provide **proof** that the petitioner has sufficient proprietary interest in the subject matter to justify the filing of the application (see MPEP 409.03(f)). Acceptable proof would include a copy of the employment agreement between the non-signing inventor and the Rule 47(b) applicant (company), a copy of an assignment agreement showing that the invention disclosed in the application is assigned to the Rule 47(b) applicant, or a legal memorandum signed by an attorney familiar with the law of the jurisdiction stating that a court of competent jurisdiction would by the weight of authority in that jurisdiction award the title of the invention to the Rule 47(b) applicant. Petitioner’s reference to “a document in Hebrew that showed Mr. Pryluk assigned his rights to the present invention. It can be seen that this 2005 document, which contains “Assignment of Patent Rights” handwritten on it, identifies U.S. App. No. 60/661,512. The present application claims the benefit of priority to this provisional application” has been noted. However, as the document in question is not in English a translation is required. Petitioner should consult MPEP 409.03(f) for further guidance on this issue.

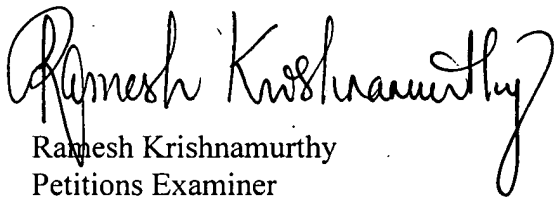
Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: Customer Service Window
 Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By fax: (571) 273-8300
 ATTN: Office of Petitions

Telephone inquiries should be directed to at the undersigned (571) 272 - 4914.

A handwritten signature in black ink, reading "Ramesh Krishnamurthy". The signature is fluid and cursive, with the first letter of each name being capitalized and prominent.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions